

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89668 of 2024

Arising Out of PS. Case No.-170 Year-2024 Thana- MAINATAND District- West Champaran

Naushad Alam, aged about 30 years, Male, S/O Seikh Bhola @ Bhola Sheikh,
R/O Vill. - Padmaul, P.S.- Mainatand, District- West Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nafisu Zzoha, Advocate

For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 18-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Mainatand P.S. Case No. 170 of 2024 dated 03.10.2024
registered for the offences punishable under Sections 20(b)(ii)
(B), 23(b) and 29 of the N.D.P.S. Act.

3. As per the prosecution case, total 05.200 kgs.,
Ganja is said to have been recovered from the straw house of the
petitioner.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. It is submitted that the alleged recovery of Ganja was
made from the common straw house (Bhusaula) which is



located beside the road and it was in abandoned condition. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that the alleged recovered Ganja is 05.200 kgs., which is less than commercial quantity, hence, Section 37 of the N.D.P.S. Act is not attracted in the present case. There is no statutory compliance of Section 100(3) of BNSS. It is further submitted that the petitioner is the driver of the tractor and JCB Machine and he used to work in the Chimani of the co-accused Sheikh Nurain and in the meantime, he left his work then he became anger and managed to implicate the petitioner in the present case. He has no concern with the alleged offence. It is further submitted that the informant being an influential person with the said co-accused Sk. Nurain raided at the straw house of the petitioner which was in abandoned condition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 04.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond



of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, (N.D.P.S.), West Champaran, Bettiah in connection with Mainatand P.S. Case No. 170 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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