

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4556 of 2025

Arising Out of PS. Case No.-47 Year-2024 Thana- BHANGHA District- West Champaran

Maksud Alam Son of Late Shekh Sabir Resident of village - Purainia, P.S.-
Mainatand, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asif Kalim

For the Opposite Party/s : Mr. Nawal Kishore Pd. (App)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-01-2025 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises out
of Bhangha Police Station Case No. 47 of 2024, disclosing
offences under Sections 8/20(b)(ii)(c), 22(c), 23(c), 29 of the
NDPS Act.

3. As per the prosecution case, on 24.06.2024, the
informant SHO Bhangaha was on patrolling duty with other
police officials, he saw that two persons along with motorcycle
were coming towards Siswa Tajpur Ramjanki Temple. Upon
seeing the police party, they tried to flee away but one person
was apprehended along with the motorcycle bearing Reg. No.
BR22AC7740 and one person succeeded in fleeing away. The
arrested person disclosed his name as Maksud Alam i.e.,



petitioner. The person who fled away was Sheikh Ismail. On Seach, two packets were found in which ganja was kept having total quantity of 21 kgs.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. Nothing has been recovered from the conscious possession of the petitioner and the petitioner is not the owner of the motorcycle. The mandatory provision of search and seizure under Section 50 of NDPS Act was not followed by the police authority at the time of seizure. The petitioner is having no criminal antecedent. He is in custody since 24.06.2024. Learned counsel further submits that police failed to provide any chemical report along with the FIR suggesting that the seized article is either ganja or contraband and on mere suspicion, as well as alleged disclosure by the petitioner that the same is ganja, the present FIR has been lodged.

5. I have heard learned counsel for the parties and have perused the materials on record. A commercial quantity of ganja has been recovered from the motorcycle upon which the petitioner and other accused person was traveling. The ganja was under the control and knowledge of the petitioner at the time of recovery, accordingly, I am not inclined to grant regular



bail to the petitioner at this stage.

6. However, the petitioner may renew his prayer for bail after a period of nine months if the trial does not show progress.

(Anil Kumar Sinha, J)

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