

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.908 of 2025

Arising Out of PS. Case No.-83 Year-2024 Thana- BHANGHA District- West Champaran

Prahlad Diswa Son of Pahun Diswa Resident of Village- Behari, P.S.-
Bhangaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 29-04-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bhangaha P.S. Case No. 83 of 2024 registered for the offences punishable u/s 8, 20(b), (ii) (B), 22(b), 23(b) and 29 of the NDPS Act.

3. As per the prosecution case, on 05.10.2024 the informant saw two persons coming from Nepal and they were carrying jute bags and on seeing the police party, they tried to flee, however, the police party managed to apprehend them. It is further alleged that the material which seems like ganja was recovered from the bag and it has been specified that 10.9 kg of ganja was recovered from the possession of Prahalad Diswa (petitioner) while 10 kg of ganja was recovered from the bag



which was being carried by the co-accused Triloki Khawas.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case and the manner in which the said seizure has been stated to be made by the police, it has not complied with the provisions of the NDPS Act. It is further stated that there is no FSL report on record which would substantiate the claim of the prosecution that the recovered material was indeed ganja. It is next submitted that the recovery of 10.9 kg of ganja from the possession of Prahlad Diswa (petitioner) is much below the commercial quantity. It is lastly submitted that the petitioner has one criminal antecedent and is in custody since 05.10.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that total 10.9 kg of ganja has been recovered from the possession of Prahalad Diswa (petitioner) whereas 10 kg of ganja has been recovered from the possession of the co-accused Triloki Khawas and if the same is taken together it would account for above the commercial quantity.

6. Considering the aforesaid facts and circumstances of the case and taking into account the fact that there is no FSL report till the date confirming the seized material to be ganja



and also the fact that the recovery of 10.9 kg of ganja from the possession of the petitioner is much less than the commercial quantity coupled with the fact that the petitioner is in custody since 05.10.2024, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, West Champaran in connection with Bhangaha P.S. Case No. 83 of 2024.

7. The application stands allowed.

(Sourendra Pandey, J)

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