

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.164 of 2016

Arising Out of PS.Case No. -71 Year- 2014 Thana -ARWAL District- JEHANABAD

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1. Raja Ram Yadav S/o late Satya Narayan Yadav R/o Village- Baidrabad,
PS Arwal, District Arwal.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharendra Kumar Sinha

For the Respondent/s : Mr. Sujeet Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 05-05-2016 Heard learned counsel for the appellant and learned
counsel for the State.

The sole appellant has been convicted for the
offence punishable under Section 20(b)(ii)(B) of the NDPS Act
and sentenced to undergo R.I. for seven years.

According to the prosecution case, 2.994 kg Ganja is
alleged to have been recovered from the courtyard of the house of
the appellant.

It has been contended by the learned counsel for the
appellant that the recovery of Ganja is not of commercial quantity
and thus the provision of Section 37 of the NDPS Act would not
be applicable in the present case. He has further submitted that the
recovery of the contraband has not been proved by producing the

material exhibit before the court despite several adjournments granted to the prosecution for the said purpose between 13th July, 2015 and 29th October, 2015. It is also submitted that two independent seizure list witnesses have also not supported the case of the prosecution.

Learned counsel for the State has opposed the application preferred under Section 389(1) of the Code of Criminal Procedure.

Regard being had to the submissions advanced at the Bar, during pendency of the appeal, the appellant Raja Ram Yadav, who is in custody for over two years, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional, Sessions Judge, Jehanabad in connection with NDPS Case No. 01 of 2014/04 of 2015.

(Ashwani Kumar Singh, J)

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