

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1690 of 2022

Arising Out of PS. Case No.-593 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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MALHAR DEVI Wife of Jila Sahani @ Rupesh Sahani Resident of Village -
Mahanth Maniyari, P.S. - Maniyari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1880 of 2022

Arising Out of PS. Case No.-593 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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FAIYAZ ALAM @ MD FAIYAZ ALAM Son of Sabir Mian Resident of
Village- Lal Saraiya, P.s.- Majhauiliya, District- West Chamaparan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3461 of 2022

Arising Out of PS. Case No.-593 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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LAL BABU SAHNI Son of Late jailal Sahni Resident of Village- Mahanth
Maniyari, P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 1690 of 2022)

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Bharat Lal

(In CRIMINAL MISCELLANEOUS No. 1880 of 2022)

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Akhileshwar Dayal

(In CRIMINAL MISCELLANEOUS No. 3461 of 2022)

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Bhanu Pratap Singh



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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-08-2022

IN CR. MISC. NO.1690 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Sadar P.S. Case No. 593 of 2021 and NDPS Case No. 121 of 2021 registered for the offence under Sections 08/20(b)(ii)(c) of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in custody since 31.08.2021.

The allegation against the petitioner is to have in possession of 13.50 kgs contraband i.e. '*Ganja*'.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged contraband i.e. '*Ganja*' cannot be said from conscious physical possession of the petitioner in the given set of facts and circumstances. It is also submitted that compliance of Section 50 of NDPS Act, as regard to search upon the person was also not complied with. It is also submitted that Section 37 of the NDPS Act, is not applicable in the present for the reason that the recovered quantity of contraband i.e.



'*Ganja*' is less than commercial quantity, in the present case. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 7167 of 2022 dated 26.05.2022. It is also submitted that petitioner is a lady of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovered contraband is less than commercial quantity.

Considering the facts and circumstances as mentioned above and also considering the manner of compliance of Section 50 of NDPS Act, where petitioner is a lady of clean antecedent coupled with the fact that recovered contraband i.e. '*Ganja*' is less than commercial quantity, and charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sadar P.S. Case No. 593 of 2021 and NDPS Case No. 121 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional



Session Judge, Muzaffarpur/concerned court, subject to the condition as mentioned under Section 437 (3) of the Cr.P.C.

IN CR. MISC. NO.1880 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Sadar P.S. Case No. 593 of 2021 and NDPS Case No. 121 of 2021 registered for the offence under Sections 08/20(b)(ii)(c) of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in custody since 31.08.2021.

The allegation against the petitioner is to have in possession of 12.65 kgs contraband i.e. '*Ganja*'.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged contraband i.e. '*Ganja*' cannot be said from conscious physical possession of the petitioner in the given set of facts and circumstances. It is also submitted that compliance of Section 50 of NDPS Act, as regard to search upon the person was also not complied with. It is also submitted that Section 37 of the NDPS Act, is not applicable in the present



for the reason that the recovered quantity of contraband i.e. '*Ganja*' is less than commercial quantity, in the present case. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 7167 of 2022 dated 26.05.2022. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovered contraband is less than commercial quantity.

Considering the facts and circumstances as mentioned above and also considering the manner of compliance of Section 50 of NDPS Act, as the petitioner is a man of clean antecedent coupled with the fact that recovered contraband i.e. '*Ganja*' is less than commercial quantity, where charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sadar P.S. Case No. 593 of 2021 and NDPS Case No. 121 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of learned 5th Additional Session Judge, Muzaffarpur/concerned court, subject to the condition as mentioned under Section 437 (3) of the Cr.P.C.

IN CR. MISC. NO.3461 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Sadar P.S. Case No. 593 of 2021 and NDPS Case No. 121 of 2021 registered for the offence under Sections 08/20(b)(ii)(c) of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in custody since 31.08.2021.

The allegation against the petitioner is to have in possession of 14.75 kgs contraband i.e. '*Ganja*'.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged contraband i.e. '*Ganja*' cannot be said from conscious physical possession of the petitioner in the given set of facts and circumstances. It is also submitted that compliance of Section 50 of NDPS Act, as regard to search upon the person was also not complied with. It is also submitted



that Section 37 of the NDPS Act, is not applicable in the present for the reason that the recovered quantity of contraband i.e. '*Ganja*' is less than commercial quantity, in the present case. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 7167 of 2022 dated 26.05.2022. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovered contraband is less than commercial quantity.

Considering the facts and circumstances as mentioned above and also considering the manner of compliance of Section 50 of NDPS Act, as the petitioner is a man of clean antecedent coupled with the fact that recovered contraband i.e. '*Ganja*' is less than commercial quantity, where charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sadar P.S. Case No. 593 of 2021 and NDPS Case No. 121 of 2021 on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Session Judge, Muzaffarpur/concerned court, subject to the condition as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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