

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7059 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- LAURIA District- West Champaran

Bol Bam Singh @ Ramashish Singh Son of Bhagavat Singh Resident of
Village- Dharwa, P.S.- Lauriya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Ms. Preety Kunwar, Advocate
For the State	:	Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2022 Heard learned senior 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 Lauriya
P.S. Case No. 222 of 2021 registered for the offence under
Sections 20(b)(ii)(B) and 29 of Narcotic Drugs and
Psychotropic Substances Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.09.2021.

The allegation against the petitioner is to have in
possession of 7.1 kg of contraband i.e., Ganja.

Learned senior counsel appearing on behalf of the



petitioner submitted that the recovery is from the house of the petitioner which is jointly occupied by other family members and as such, it cannot be gathered that the same has been recovered from the conscious physical possession of the petitioner. While travelling over the argument, it has further been submitted that the alleged recovery is less than commercial quantity and furthermore, while searching and sampling of contraband, compliance of legal procedures as Section 41 and 50 of NDPS Act has not been complied with. While concluding the argument, it has also been submitted that petitioner is a man of clean antecedent and also chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery is from the house of the petitioner, which is jointly occupied by other family members.

Considering the facts and circumstances as mentioned above, as the recovery of alleged contraband i.e., Ganja is not from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above



named, is directed to be released on bail in connection with Lauriya P.S. Case No. 222 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 Sessions Judge, West Champaran, Bettiah, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Bhagavat Singh, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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