

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8551 of 2022**

Arising Out of PS. Case No.-234 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

GUNJAN YADAV SON OF LATE BHANGI YADAV R/O VILLAGE-
SARYIA, P.S.- DURGAWATI, DIST.- KAIMUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 29-06-2022 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
Durgawati P.S. Case No. 234 of 2021 registered for the offence
under Sections 8(c) 20(b)(ii)(B) and 29 of the NDPS Act and
Section 25(1-b)a, 35 and 26 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.10.2021.

The allegation against the petitioner is to have in
possession of illegal firms arms and 3.33 KG contraband i.e.
Ganja.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of illegal fire arms cannot be said from the conscious physical possession of the petitioner and also that contraband i.e. Ganja recovered from diggi of the Car. It has further been submitted that the quantity of alleged recovered contraband is less than commercial quantity and as such the provision of Section 37 of the NDPS Act is not attracted. It has further been submitted that seizure list is disputed and compliance of mandatory provision of NDPS Act was not complied with. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery of contraband i.e. Ganja is not recovered from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Durgawati P.S. Case No. 234 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-cum-Special Judge, Kaimur at Bhabua, 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.

(iii) That one of the bailors shall be Santosh Yadav, who is the nephew of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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