

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9611 of 2022**

Arising Out of PS. Case No.-28 Year-2021 Thana- VALMIKINAGAR District- West  
Champaran

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Rajesh Sah Son of Late Sinhasan Sah Resident of Village - Semra bazar, P.s.-  
Semara, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate  
For the Opposite Party/s : Mr. Ramchandra Singh, APP

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

4      29-11-2022                      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  
  
Valmikinagar P.S. Case No. 28 of 2021 registered for the  
  
offence under Section 20, 23 of N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in  
  
custody since 21.04.2021.

The allegation against the petitioner is to have in  
  
possession of narcotics/contraband i.e. Charas like substances  
  
total of 3kg, along with co-accused, namely, Vivek Kumar.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery of alleged narcotics i.e. Charas cannot be said to be made from conscious physical possession of this petitioner. It is further submitted that the compliance of Section 42 and 50 not appears complied with in present case, which is otherwise a mandatory legal provision which must be followed by investigating agency at the time of recovery. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that the recovered quantity is above than commercial quantity, where Section 37 of N.D.P.S. Act puts a barrier.

Considering the facts and circumstances as mentioned above, as recovered narcotics i.e. Charas is more than commercial quantity, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to conclude the trial within 6 months from the date of receipt of the copy of this order by taking this matter on board on day to day basis, if



required. Failing so, petitioner may renew the prayer of bail, if so advised.

SP Bagha of District- West Champaran is directed to produce all the charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

**(Chandra Shekhar Jha, J)**

Archana/-

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