

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24072 of 2022**

Arising Out of PS. Case No.-55 Year-2021 Thana- VALMIKINAGAR District- West
Champaran

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SHRAWAN CHAUDHARY Son of Late Rajendra Chaudhary Resident of
Village - Charghariya, P.S. - Valmikinagar, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Inspector General, S.S.B., Frontier Head
Quarter, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of resumption
of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Valmikinagar P.S. Case No. 55 of 2021 registered
for the alleged offences under Sections 20 and 23 of the Narcotic
Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

As per prosecution case, on the basis of secret
information, a raid was conducted on the house of the petitioner and
a person fled away from that house leaving behind a black colored
polythene at the doors and 1230 gm of *ganja* like substance was



recovered from the polythene. Further, from the house, Indian Rs. 21,004/-, Nepali Rs. 205, mobile phone, weights and scale and packaging material have also been recovered.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. Though the police has mentioned about a person fleeing away from the house when a raid was being conducted but the said person was not the petitioner and the house does not belong to him. Moreover, the quantity of ganja is 1230 gm which would be just little more than the small quantity but the same was not recovered from this petitioner and does not belong to him. All the provisions of Section 100 Cr.P.C was flouted and for this reasons search and seizure would be illegal. The petitioner has got clean antecedent. Charge sheet has been submitted in this case and the petitioner is in custody since 27.02.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the recovery of *ganja* has been made from the house of the petitioner and weights and scale were also found there which shows the petitioner has been making sale and purchase of the contraband.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted in this case and also considering the period of custody of the petitioner, the



petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, West Champaran at Bettiah in connection with Valmikinagar P.S. Case No. 55 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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