

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34065 of 2022**

Arising Out of PS. Case No.-25 Year-2021 Thana- NAUGACHHIYA RAIL P.S. District-
Khagaria

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SONI KUMARI @ SONI DEVI W/o Mahesh Kumar Sahani @ Mahesh
Sahni Resident of Village- Akbarpur, P.S.- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.Narendra Kumar Singh

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

2 17-08-2022 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

Naugachhia Rail P.S. Case no. 25 of 2021 registered for the

offence under Sections 20 and 22 of the NDPS Act.

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

custody since 13.12.2022.

The allegation against the petitioner is to have in

possession of contraband i.e. 'Ganja' of 7.5 kgs.

Learned counsel appearing on behalf of the petitioner

submitted that alleged recovery of contraband i.e. 'Ganja' was



made from the bag, which is not connected in any manner with the petitioner, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is also submitted that the provision under Section 50 of NDPS as regard to search upon person was not complied with. It is also submitted that provision under Section 37 of the NDPS is not attracted in the present case, as the contraband is less than commercial quantity, which is 7.5 kgs. 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 alleged recovery of contraband is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as compliance of Section 50 of the NDPS Act is appearing doubtful, where recovery of contraband is less than commercial quantity coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Naugachhia



Rail P.S. Case no. 25 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 Additional Session Judge Vth-cum-Special Judge NDPS Act, Khagaria/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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