

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47913 of 2021**

Arising Out of PS. Case No.-78 Year-2021 Thana- RAGHUNATHPUR District- Siwan

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KRISHNA CHAURASIA @ KRISHNA KUMAR CHAURASIYA @  
KRISHNA KUMAR S/o LATE RAMNAGINA PRASAD @ NAGINA  
CHAURASIA R/o VILLAGE-RAGHUNATHPUR, P.S-RAGHUNATHPUR,  
DISTRICT-SIWAN, PRESENTLY RESIDING AT BARA TELPA, P.S-  
CHAPRA MUFFASIL, DISTRICT-SARAN AT CHAPRA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Bindhyachal Singh, Sr. Adv. |
|                          |   | Mr. Ram Binod Singh, Adv.       |
| For the Opposite Party/s | : | Mr. Bhanu Pratap Singh, Adv.    |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      07-04-2022                      Heard Mr. Bindhyachal Sing, learned senior counsel for  
the petitioner and the learned A.P.P. for the State.

The petitioner seek bail in a case registered for the  
offence under Sections 8(b), 20(a)(i) and 29 of the N.D.P.S. Act.

According the prosecution, altogether 7.3 Kg. of 11  
plants of Ganja is recovered from the land of the petitioner.

Learned counsel appearing for the petitioner submits  
that the petitioner, who is of clean antecedent, is innocent and  
has falsely been implicated in this case. He further submits that  
according to the prosecution case, eleven plants of Ganja of 7.3  
Kg. is said to have been recovered from the land of the petitioner.  
He further submits that the alleged recovery of Ganja is not the



net quantity of Ganja as quantum of recovery includes the stems, leaf and root of the recovered plants. He, however, further submits that the alleged quantity of recovery does not come within the purview of commercial quantity therefore, rigors of Section 37 of the N.D.P.S. does not come in to play in this case. The petitioner is rotting in judicial custody since 25.06.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered plants are of Ganja. The result of examination of Forensic Science Laboratory reads as under;

*“The dry, pressed, greenish brown flowering and fruiting steam like vegetable substance contained in small plastic dibba marked ‘So’ as described above was found to be ‘GANJA’ containing **THC (Tetra Hydroa Cannabinol)** as their chief intoxicating ingredient. Ganja is the flowering & fruiting tops of the female plant of Cannabis Sativa.”*

Considering the facts and circumstances of the case and the quantum of recovery, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. ,25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Raghunathpur P.S. Case No. 78 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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