

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39244 of 2022

Arising Out of PS. Case No.-157 Year-2022 Thana- MURLIGANJ District- Madhepura

SONU KUMAR Son of Sunil Bhagat Resident of Mohalla - Jhil Chowk,
Ward No.- 13, P.S.- Murliganj, District - Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Prashant
For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Murliganj
P.S. Case No. 157 of 2022 registered for the offence under
Sections 20, 21 and 22 of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.04.2022.

The allegation against the petitioner is to sale and
consume the heroin/smack, where, police on raid, seized total
5.62 gram heroin/smack, from ground of Veterinary Hospital,



Murliganj, Madhepura.

Learned counsel appearing on behalf of the petitioner submitted that recovery of heroin/smack is not made from conscious physical possession of this petitioner, rather from open field, which is accessible by general people. It is submitted that recovery of heroin/smack is less than commercial quantity, and also Sections 42 and 50 of NDPS Act was not complied with. It is submitted that the petitioner is a man of clean antecedent and moreover, 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, opposes the prayer of bail, but fairly conceded the fact that recovered quantity of heroin/smack is less than commercial quantity, where, Section 37 of NDPS Act is not appears applicable.

Considering the facts and circumstances as mentioned above, as recovery of contraband i.e. heroin/smack is less than commercial quantity, which is not appears to made from conscious physical possession of the petitioner, where, petitioner is a man of clean antecedent 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 Murliganj P.S. Case No. 157 of 2022 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 District and Sessions Judge – V, Madhepura or his successor/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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