

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41900 of 2022

Arising Out of PS. Case No.-202 Year-2022 Thana- LALGANJ District- Vaishali

Raja Kumar Yadav Son Of Kishori Rai R/O Mohalla- Jahanabad Ward No.-
16, P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abdul Mannan, Advocate
	Mr. Binay Kumar, Advocate
	Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s :	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with Lalganj P.S.

Case No. 202 of 2022 registered for the offences punishable

under Sections 20 (b)ii A and 29 of NDPS Act.

As per the prosecution, the informant along with

other police personnel acting upon a secret information

apprehended this petitioner (Raja Kumar Yadav) and one co-

accused Pramod Sah and upon search 200 grams of Narcotic

material suspected to be *Ganja* and 30 pudiyas of Narcotic

material suspected to be *Smack*, were recovered from the

possession of this petitioner. Further it is alleged that upon search, 20 pudiyas of Narcotic Material suspected to be *Smack* were recovered from the possession of the co-accused.

The main submissions advanced by learned counsel Mr. Abdul Mannan, appearing for the petitioner are that the petitioner has been languishing in jail since 03.06.2022 and the alleged recovered contraband comes under the purview of lesser than commercial quantity, the petitioner has not remained involved in the offences of NDPS Act prior to the institution of the present case, there is criminal antecedent of one case lodged under the offences of Indian Penal Code and Arms Act and there is also another case lodged under Section 3 of the Bihar Control of Crimes Act against the petitioner, and accordingly under the Penal provisions there is a criminal antecedent of one case. Further submission is that while making search and seizure of the alleged contraband the police did not make any independent person as a witness and the police personnel were made witnesses of the recovery of the alleged contraband.

Learned APP Mr. Abhay Kumar Roy, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and seizure list. The alleged contraband suspected to be *Smack* which was

allegedly recovered from the possession of this petitioner, comes under the purview of lesser than commercial quantity and while weighing the seized materials the weight of all small packets was not excluded by the police and the total weight of the alleged contraband including the said packets was found to be 20 grams. The petitioner has been languishing in jail since 03.06.2022 and most of the important witnesses who are to be examined are official witnesses and the petitioner did not remain involved in the offences of NDPS Act prior to institution of the present matter as per the above submission. Considering these facts as well as petitioner's young age mentioned in his petition and his custody period, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 202 of 2022.

(Shailendra Singh, J.)

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