

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46671 of 2022

Arising Out of PS. Case No.-339 Year-2021 Thana- PARSABAZAR District- Patna

Praduman Kumar Son Of Birendra Ram R/O Village- Oriyara, P.S.-
Dhanarua, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashish Kumar Ranjan, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Parsa
Bazar P.S. Case No. 339 of 2021 registered for the offence
under Sections 8, 20(b)(ii)B of the N.D.P.S. Act and 25(1-b), 26
and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.09.2021.

The allegation against the petitioner is to have in
possession of 1.5 KG of Narcotics/contraband i.e. Ganja along
with one country made loaded pistol.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of narcotics/contraband was not made from the conscious physical possession of the petitioner. It is submitted that compliance of Sections 42 and 50 of N.D.P.S. Act was not made in the present case, which is otherwise mandatory, as per provision of law. It is further submitted that as recovered quantity of narcotics is appearing less than the commercial quantity, therefore, compliance of provision as mentioned under Section 37 of the N.D.P.S. Act is not appearing applicable in this case. It is also submitted that similarly situated co-accused person, namely, Vicky Kumar, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 37487 of 2022 vide order dated 23.09.2022. While concluding the argument, it is submitted that petitioner found involved in more three (3) criminal cases, where he is on bail and, moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of alleged narcotics/contraband i.e. Ganja is appearing less than commercial quantity, where petitioner is in



custody since 08.09.2021 coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Parsa Bazar P.S. Case No. 339 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 Sessions Judge-XXV, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

U		T	
---	--	---	--

