

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58169 of 2021

Arising Out of PS. Case No.-622 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Raj Kumar Choudhary Son of Late Saryug Choudhary Resident of Village -
Mangal Colony, P.S.- K. Hat (Sahayak), District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, App

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-05-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with K.Hat (Sahayak) P.S.Case No. 622 of 2021 for the
offences punishable under Sections 20 (b) (ii) and 20(B) of the
N.D.P.S Act.

As per the prosecution case, it is alleged that the
police on a secret information raided the grocery shop of the
petitioner and from the counter of the shop 3 kg. Ganja and 200
plastic rapper was recovered.

It is submitted by the learned counsel for the
petitioner that the alleged Ganja has not been recovered from



conscious possession of the petitioner rather the same has been recovered from grocery shop and there is no independent witnesses from the seizure list and further submitted the alleged recovery is said to be of small quantity, hence the embargo of section 37 of the NDPS Act would not be attracted in the present case. It is next submitted that in the present case charge sheet has been submitted before obtaining F.S.L report and furthermore, petitioner is in custody since 11.07.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that from possession of the petitioner 3 kg Ganja has been recovered and he does not deserve the privilege of bail.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery has been made from grocery shop and the alleged recovered Ganja like substance is much less than commercial quantity, as such the embargo as provided under section 37 of the NDPS Act is not attracted in this case. Moreover, the charge sheet has been submitted without obtaining the FSL report and apart from the fact, this petitioner is in custody since 11.07.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnea in connection with K. Hat (Sahayak) P.S.Case No. 622 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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