

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58663 of 2021**

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

Shrawan Kumar, Son of Late Ram Chandra Choudhary, Resident of Village-  
Mangal Colony Chhath Pokhar, P.S.- K. Hat (Sahayak), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      11-04-2022      Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with K. Hat (Sahayak) P.S. Case No. 622 of 2021 (Special Case No. 55 of 2021) for the offences punishable under Sections 20(b) (ii) and 22 (B) of the N. D. P. S. Act.

As per prosecution case, it is alleged that the police, on a secret information, raided the shop of the petitioner and from the counter of the shop 2.315 Kg Ganja and 250 plastic wrappers have been recovered.

It is submitted on behalf of learned counsel for the



petitioner that the alleged Ganja has not been recovered from the conscious possession of this petitioner, rather it was recovered from the grocery shop and further there is no independent witness to the seizure list. It is next submitted that so far as the embargo of Section 37 of the NDPS Act is concerned, the same would not be attracted in the present case, as the recovered Ganja is less than commercial quantity. It is next submitted that the petitioner is in custody since 11.07.2021 and the investigation has already been completed and the petitioner is ready to give undertaking that he will remain physically present on each and every date fixed by the trial court and will co-operate in the trial.

On the other hand, learned APP appearing on behalf of State vehemently opposes the bail application and submits that 2.315 Kg Ganja has been recovered from the shop of the petitioner.

Having considered the submissions of the parties and taking into consideration the fact that the recovery has been made from the grocery shop and the embargo under Section 37 of the NDPS Act is not attracted, apart from the fact that this petitioner has got no criminal antecedent and he is the first offender and also the fact that the petitioner is in custody since



11.07.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five 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 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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