

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50635 of 2022**

Arising Out of PS. Case No.-188 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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RAMAN KUMAR S/o Late Bhola Yadav @ Bhola Prasad Yadav R/o village-
Ward No. 11, Gorpar, P.S.- Bihariganj, Distt.- Madhepura

... .. Petitioner/s

Versus

The Union of India, New Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Additional Solicitor General

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**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
Udakishanganj P.S. Case No. 188 of 2022 registered for the
offence under Section 21(A) of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.06.2022.

The allegation against the petitioner is to have in
possession of smack of 320 mg i.e. 3.2 gm.

Learned counsel appearing on behalf of the petitioner
submitted that the quantity (3.2gm) which was recovered is less
than small quantity of 5 gm of smack. It is submitted that



compliance of Section 42 and 50 of the N.D.P.S. Act was not made in this case. While concluding the argument, it is submitted that 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, while opposing the prayer of bail, fairly conceded the fact that recovered quantity is less than small quantity.

Considering the facts and circumstances as mentioned above, as recovery of alleged contraband i.e. 3.2 gm smack, which is less than small quantity, 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 Udakishanganj P.S. Case No. 188 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 Session Judge-cum-Special Judge, N.D.P.S. Act, Madhepura/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/-

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