

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54908 of 2022

Arising Out of PS. Case No.-295 Year-2022 Thana- DANAPUR District- Patna

Ajeet Kumar Son of Jay Narayan Rai R/o Daldali Road, P.s- Danapur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Danapur
P.S. Case No. 295 of 2022 registered for the offence under
Section 25(1-b)a, 26, 35 of Arms Act and 20(b)(II)B of N.D.P.S.
Act, 1995.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.04.2022.

The allegation against the petitioner is to have in
possession of one country made loaded pistol and also 1.4 kg of
'*Ganja*' along with other co-accused persons as recovered from
the dickey of the scooty.



Learned counsel appearing on behalf of the petitioner submitted that the country made pistol and '*Ganja*' cannot be said to be recovered from conscious physical possession of this petitioner. It is further submitted that the seizure list of pistol is not supported by independent witnesses, rather by police personnels, which creates a doubt over entire seizure. It is submitted that compliance of Sections 42 and 50 of N.D.P.S. Act were not made in present case. It is also submitted that as recovered contraband i.e. '*Ganja*' is less than commercial quantity, the application of Section 37 of N.D.P.S. Act is not applicable for the present case. While concluding the argument, it has been submitted that investigation of this case has been completed, where 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 the recovered contraband is less than commercial quantity i.e. about 1.4 kg.

Considering the facts and circumstances as mentioned above, as recovered '*Ganja*' is less than commercial quantity, where seizure list is not supported by independent witnesses, rather by police personnels coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Danapur P.S.
Case No. 295 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 A.D.J.-IV, Danapur
(Patna)/concerned Court, subject to the conditions as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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

