

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67160 of 2021**

Arising Out of PS. Case No.-60 Year-2021 Thana- BARAUNI RAIL P.S. District- Begusarai

Chandan Sahni Son of Budhan Sahni Resident of Village - Mahuli, P.S. -
Isuapur, Dist. - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 15-10-2022 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 Barauni P.S.
Case No. 60 of 2021 registered for the offence under Sections 8/20
(b) (ii) (c) of the N.D.P.S. Act and under Sections 137 and 147 of the
Railway Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.07.2021.

The allegation against the petitioner is to have in
possession of contraband i.e., ganja, total of 5.794 kg.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery of ganja was not made from the
conscious physical possession of this petitioner. It is further



submitted that the compliance of Section 42 and 50 of the N.D.P.S. Act was not made in present case. It is also submitted that as recovered quantity of contraband i.e., ganja is less than commercial quantity, therefore, the compliance of Section 37 of the N.D.P.S. Act is not applicable in this present case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovered contraband i.e., ganja is less than commercial quantity 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 Barauni P.S. Case No. 60 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 Session Judge-cum-Special Judge, N.D.P.S., Begusarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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