

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1058 of 2022**

Arising Out of PS. Case No.-11 Year-2021 Thana- BUXAR District- Buxar

Sanjay Rawat Son of Govind Rawat Ram Resident of Village- Nehru Nagar,
Buxar, P.S.- Buxar (T), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Mishra, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

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

3 30-08-2022 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 Buxar
(Town) P.S. Case No. 11 of 2021 registered for the offence
under Sections 20(b)(II)C, 22, 25, 27(a), 29 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.01.2021.

The allegation against the petitioner is to have in
possession of contraband i.e. heroine like substance weighing
about 50g.

Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced on the basis of



disclosure made by co-accused, namely, Mamta Devi and Sima Devi from the possession of whom the alleged contraband was recovered. It is further submitted that said co-accused Mamta Devi and Sima Devi have already been granted bail by one of the learned co-ordinate Bench by this Court through Cr. Misc. No. 23385 of 2021 vide order dated 27.08.2021. It is also submitted that compliance of Section 50 of N.D.P.S Act, was not complied with. It is submitted that quantity of recovery is less than commercial quantity, therefore, the provision of Section 37 of the N.D.P.S. Act is not applicable in 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, while opposing the prayer of bail, fairly conceded that recovery of contraband was not made from physical possession of this petitioner and also alleged quantity is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as recovery of alleged contraband is not from the physical possession of this petitioner, where alleged quantity 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 Buxar (Town) P.S. Case No. 11 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 Additional District and Session Judge-III-cum-Special Court, N.D.P.S. Act, Buxar/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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