

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63879 of 2022**

Arising Out of PS. Case No.-460 Year-2022 Thana- AHİYAPUR District- Muzaffarpur

Jayant Kumar Son of Anil Kumar Jha Resident of Village- Bhatahisher, P.S.-
Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

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

2 07-12-2022 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 Ahiyapur
P.S. Case No. 460 of 2022 registered for the offence under
Section 8/20(b)(ii)(B) N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.06.2022.

The allegation against the petitioner is to have in
possession of contraband/narcotics i.e. Ganja total of 1.1Kg,
alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of Ganja was made from joint



possession, which is marginal higher than small quantity. It is further submitted that compliance of Sections 42 and 50 of the N.D.P.S. Act is not made in present case. It is also submitted that the compliance of Section 37 of N.D.P.S. Act is not applicable in present case, as recovered quantity is less than commercial quantity. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is 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 the fact that recovered quantity is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as recovered quantity is less than commercial quantity, where compliance of Section 50 of N.D.P.S. Act appears doubtful 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 Ahiyapur P.S. Case No. 460 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 Additional Sessions Judge-IInd,



Muzaffarpur/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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