

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5478 of 2023**

Arising Out of PS. Case No.-707 Year-2022 Thana- PHULWARISHARIF District- Patna

Ankit Kumar Son Of Sri Ranjit Thakur R/O Mohalla- Rashtriyaganj, P.S-  
Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

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

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

2      09-05-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with  
Phulwarisharif P.S. Case No.707 of 2022 registered for the  
offence under Sections 8(c) and 21(b) of the Narcotics Drugs  
and Psychotropic Substances Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 21.06.2022.

The allegation against the petitioner is to have in  
possession of 14.31 grams of contraband i.e. smack, which is  
alleged to be recovered from his pocket.

Learned counsel appearing on behalf of the petitioner  
submitted that alleged contraband i.e. smack appears less than  
commercial quantity and as such provision of Section 37 of the



N.D.P.S. Act is not applicable in the present case. It is submitted that compliance of Section 50 of the N.D.P.S. Act as regard to search upon person which is mandatory provision under the law also not appears to be followed in the present case. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly conceded that recovered quantity of contraband i.e. smack is less than the commercial quantity.

In view of the facts and circumstances as mentioned above and by taking note of the quantity which appears less than commercial quantity, where compliance of Section 50 of the N.D.P.S. Act also appears doubtful, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 21.06.2022 accordingly, above named petitioner is directed to be released on bail in connection with Phulwarisharif P.S. Case No.707 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-  
XXIV, Patna/concerned court, subject to the conditions as  
mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J.)**

S.Tripathi/-

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