

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24829 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Raj Kumar Sah @ Raj Kumar Das @ Lalu @ Laluchand, Son of Sudhanshu Chand Das @ Sudhanshu Chandra Das, Resident of village - Azad Colony Thakurwari, Ward No.- 25 P.S.- K. Hat (Sahayak), District - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Senior Advocate Dr. Bidhu Ranjan, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with K. Hat (Maranga) P.S. Case No.23 of 2023 registered for the offence punishable under Sections 8(c) and 21(c) of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act').

3. The accused/petitioner is named in the FIR and is in custody since 07.01.2022.

4. Allegation against the petitioner is to have in possession of contraband i.e. smack like substances having total quantity of 208 gms.

5. Learned senior counsel Shri N. K. Agrawal while



arguing on behalf of the petitioner submitted that as per the narration of the F.I.R., the present contraband appears to be recovered from the person of this petitioner, whereas the compliance of the mandatory provision as mentioned under Section 50 of the NDPS Act, 1985 not appears to be followed in present case. It is submitted that as recovered quantity is less than commercial quantity i.e. of 250 gms., the implication of stringent provision of Section 37 of the NDPS Act not appears applicable in present case. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as compliance of Section 50 of the NDPS Act appears *prima facie* doubtful in present case, where recovered quantity is less than commercial quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 07.01.2022, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, NDPS Act, Purnia in connection with K. Hat (Maranga) P.S. Case No.23 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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