

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24874 of 2023

Arising Out of PS. Case No.-158 Year-2022 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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RANJEET KUMAR SAH Son of Raj Kumar Sah Resident of village -
Saraigarh, Ward No. 9, P.S. - Kishanpur, Distt. - Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP 84

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 19-05-2023 1. Heard learned counsel for the petitioner(s)
- and learned APP for the State.
2. Petitioner(s) seek regular bail in connection
- with N.D.P.S. Case No.116 of 2022 arising out of Bhagalpur
- Rail P.S. Case No.158 of 2022 dated 10.10.2022 registered for
- the offence(s) punishable under Section(s) 8, 20(b)(ii)(B) of the
- N.D.P.S. Act.
3. The main submissions advanced by the
- learned counsel for the petitioner(s) are that the instant matter
- relates to the recovery of 19.700 kg of Ganja kept in 3 small
- packets inside a trolley bag and the same is alleged to have been
- recovered from the possession of this petitioner at the platform
- of the concerned railway station and the alleged seized



contraband comes in the purview of lesser than commercial quantity, in fact the alleged trolley bag belonged to an old lady and on her request the petitioner helped her in carrying her bag outside the railway station but in the meantime he was arrested by the police and he was made accused mainly on account of the said bag being found in his possession at the time of recovery and accordingly he became victim of the circumstances. Further submissions are that admittedly several gazetted officers always remain present at the railway station being officers of the railway department but despite of this fact none of them was made witness of the search and a government official who is stated to be Inspector of Additional School, Bhagalpur was made the witness of alleged search and the said fact casts a serious doubt upon the recovery of the alleged contraband from the possession of this petitioner and moreover other witnesses of the search and seizure are also government officials and accordingly, there is no independent witness of the alleged recovery despite the alleged place of recovery being entirely a busy place. Further submissions are that the provisions of Section 50 of the N.D.P.S. Act as well as provisions of Section 100 of Cr.P.C. were not followed by the police party while searching and seizing the alleged contraband and the petitioner



has been languishing in jail since 10.10.2022 having fair and clean antecedent and against him the investigation has been completed.

4. Per contra, learned APP appearing for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner(s) and taking into account the materials available on record and also the completion of investigation against the petitioner(s), I deem it fit and proper to admit the petitioner(s) to the privilege of bail.

6. Accordingly, let the petitioner(s) named-above be enlarged **on bail after framing of charge, if the same has not been framed** in connection with N.D.P.S. Case No.116 of 2022 arising out of Bhagalpur Rail P.S. Case No.158 of 2022 on furnishing bail bond(s) of Rs.10,000/-(Ten Thousand)/each with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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