

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31024 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- KOCHAS District- Rohtas

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Gajendra Singh @ Gajan Singh S/O Bhauro Singh R/O Village- Kapasiya,
P.S- Kochas, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Choubey, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2023 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 Kochas
P.S. Case No. 157 of 2022 registered for the offence under
Sections 8(C), 20(b)(ii)(B) and 29 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.02.2023.

The allegation against the petitioner is to have in
possession of 1.8 kg of *ganja* from his *dalan*.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery appears to be made from
jointly occupied house/*dalan* and, as such, it cannot be said that



recovery was made from the conscious physical possession of this petitioner. It is submitted that the compliance of Section 100(4) of the Cr.P.C. also not appears to be followed in present case. It is further submitted that as the recovered quantity is much less than commercial quantity, therefore, implication of Section 37 of the N.D.P.S. Act not appears to be applicable in present case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged recovered contraband i.e., *ganja* not appears to be made from the conscious physical possession of this petitioner, which appears less than commercial quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Kochas P.S. Case No. 157 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions



Judge, Rohtas at Sassaram/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

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