

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29590 of 2023**

Arising Out of PS. Case No.-65 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

RAVINDRA RAM Son of Banwari Ram Resident of village-Barej, P.S.-
Mohania, District-Kaimur (Bhabua)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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

3 03-07-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Mohania P.S. Case No.65 of 2023 registered for the offence under Sections 8(c) and 22(b) of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in custody since 29.01.2023.

The allegation against the petitioner is to have in possession of narcotic drugs i.e. Heroin like substance, which is alleged to be found in 16 sachets.

Learned counsel appearing on behalf of the petitioner submitted that the alleged contraband i.e. Heroin like substance not appears to be recovered from conscious possession of this



petitioner and moreover, mandatory provision of Section 50 of the NDPS Act is also not appears to be followed, in this case, as the recovery of contraband is less than commercial quantity, even there is rigorous provision of Section 37 of the NDPS Act not appears to be applicable in present case. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as compliance of Section 50 of NDPS Act is appearing doubtful on its face, where, recovery of contraband i.e. Heroine like substance is less than commercial quantity coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 29.01.2023, let the petitioner, above named, is directed to be released on bail in connection with Mohania P.S. Case No.65 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special



Judge (NDPS), Kaimur at Bhabua/concerned court, subject to
the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

