

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30666 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Yuvraj Kumar @ Sanjay Kumar S/O- Vishwanath Rai Village- Jethuli Ps-
Nadi Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2023 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

Bakhtiyarpur P.S. Case No. 100 of 2022 registered for the

offence under Sections 8/20(b)(ii)(c) of the N.D.P.S. Act, 1985.

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

custody since 15.09.2022.

The allegation against the petitioner is to have in

possession of *ganja* alongwith other co-accused persons, where

total alleged recovery is of 42.95 kg.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was not apprehended on spot and his name surfaced in this case on the basis of disclosure made by apprehended co-accused, namely, Vicky Kumar, who arrested with one bag having 16.8 kg of *ganja*. It is submitted that if the narration of F.I.R. be taken into consideration then two persons were alleged to run away from the place of recovery and they were separately carrying bag of *ganja* containing 15.4 kg and 10.75 kg even assuming this petitioner was carrying the bag containing *ganja* having 15.4 kg, same falls within the category of less than commercial quantity for which rigorous implication of Section 37 of the N.D.P.S. Act not appears to be applicable. It is submitted that no contraband i.e., *ganja* appears to be recovered from this petitioner. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail 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 narcotic drugs i.e., *ganja* not appears to be recovered from the physical possession of this petitioner



coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.09.2022, accordingly, above named petitioner is directed to be released on bail in connection with Bakhtiyarpur P.S. Case No. 100 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 Chief Judicial Magistrate, Patna/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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