

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30983 of 2023**

Arising Out of PS. Case No.-128 Year-2023 Thana- BARUN District- Aurangabad

Rakesh Kumar son of Yugeshwar Prasad Village- Jankop Ps- Barun Dist-  
Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**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 Barun P.S.  
Case No. 128 of 2023 registered for the offence under Sections 20  
and 21 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 22.03.2023.

The allegation against the petitioner is to have in  
possession of 100 grams of contraband i.e., *ganja*.

Learned counsel appearing on behalf of the petitioner  
submitted that alleged 100 grams of contraband i.e., *ganja* appears to  
be recovered from the shop of petitioner. It is submitted that as  
alleged recovered quantity is less than smaller quantity, therefore,



offence alleged is bailable in nature. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, 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 recovered quantity of contraband i.e., *ganja* is less than smaller quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Barun P.S. Case No. 128 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 Special Judge (N.D.P.S.)-cum-1<sup>st</sup> Additional District and Sessions Judge, Aurangabad, Bihar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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