

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31597 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- BUXAR RAIL P.S. District- Bhojpur

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Ramjee Mahto @ Ramji Gupta Son of Panna Lal Gupta Residents of Village
New Basti Bharauli Police Station Narhi District Ballia Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2023 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 N.D.P.S.
Case No. 21 of 2023 arising out of Rail Buxar P.S. Case No. 9
of 2023 registered for the offence under Sections 8/20(b)ii(c) of
the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.01.2023.

The allegation against this petitioner is to have in
possession of narcotic substances i.e., Ganja weighing total of
14.167 Kg.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was falsely implicated with present case as alleged contraband i.e., Ganja cannot be said to be recovered from conscious physical possession of this petitioner. It is also pointed out that the compliance of Section 50 of N.D.P.S. Act, as regard to search upon a person not appears to be made in present case. It is further submitted that seizure list is also appearing doubtful being not supported by independent witnesses rather by police personnels. Learned counsel traveling over the argument submitted that the application of Section 37 of the N.D.P.S. Act not appears to be applicable in this case as alleged recovered quantity of contraband i.e., Ganja is appearing less than commercial quantity. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded the fact that the alleged recovered contraband i.e., Ganja is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as compliance of Section 50 of the N.D.P.S. Act appears doubtful, where recovered contraband is less than commercial



quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.01.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with N.D.P.S. Case No. 21 of 2023 arising out of Rail Buxar P.S. Case No. 9 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 1st Additional Sessions Judge, Bhojpur at Ara/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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