

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32133 of 2023

Arising Out of PS. Case No.-738 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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Bholu Singh @ Bholu Kumar Singh Son of Suresh Singh R/O Village-
Kararia, Ward No.-4, P.S And Distt.- Gopalganj.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2023 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

Gopalganj Town P.S. Case No. 738 of 2022 registered for the

offence under Section 08/20(b)(ii)(B) of the N.D.P.S. Act.

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

custody since 12.09.2022.

The allegation against this petitioner is to have in

possession of 283 grams of *Charas* like substance (including

weight of plastic pouch) alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was falsely implicated in present case and admittedly from the fact of the case, it is not convincing that the recovery of alleged *Charas* like substance was made from the conscious physical possession of this petitioner. It is submitted that the compliance of Section 50 of N.D.P.S. Act not appears to be followed in present case. It is further submitted that recovered quantity is less than commercial quantity, as same is 01 Kg in the case of *Charas* and as such the rigorous provision of Section 37 of N.D.P.S. Act not appears to be applicable in this case. While concluding the argument, it has been submitted that petitioner was involved in one more criminal case, where he is on bail 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 opposed the prayer of bail.

Considering the facts and circumstances as mentioned above, as compliance of Section 50 of the N.D.P.S. Act appears doubtful, where recovered *Charas* like substance is less than commercial quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 12.09.2022, accordingly the petitioner, above named, is directed



to be released on bail in connection with Gopalganj Town P.S.
Case No. 738 of 2022 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned District and Sessions Judge,
Gopalganj/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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