

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32698 of 2023**

Arising Out of PS. Case No.-238 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Yakub Mian @ Yakuf Kiya Son Of Late Dharuman Miya R/O ward No.27,
Hajiyapur, P.S.-Gopalganj, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devashish Giri, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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

2 07-07-2023 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

Gopalganj town P.S. Case No. 238 of 2023 registered for the

offence under Sections 8 and 20(b) (ii) (A) of the N.D.P.S. Act,

1985.

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

custody since 02.04.2023.

The allegation against the petitioner is to have in

possession of 51 grams of contraband i.e., *ganja*.

Learned counsel appearing on behalf of the petitioner



submitted that the compliance of mandatory provision of Section 50 of the N.D.P.S. Act, as regard to search upon person, not appears to be followed in present case. It is further submitted that recovered quantity is less than smaller quantity, where extendable punishment is of one year and the offence alleged appears bailable in nature, where petitioner is a man of clean antecedent.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of contraband i.e., *ganja* appears less than smaller quantity, where petitioner is a man of clean antecedent, accordingly, above named petitioner is directed to be released on bail in connection with Gopalganj Town P.S. Case No. 238 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, 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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