

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32695 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- BHANGHA District- West Champaran

Akash Kumar Son of Narayan Dahait Resident of Village- siswa Tajpur, PS.-
Bhangaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

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

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 Bhangaha
P.S. Case No. 70 of 2022 registered for the offence under
Sections 20, 22, 23, 24 and 27 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.10.2022.

The allegation against the petitioner is to have in
possession of 20 kg of *ganja*.

Learned counsel appearing on behalf of the petitioner
submitted that alleged contraband i.e., *ganja* not appears to be
recovered from the conscious physical possession of this



petitioner and, as such, petitioner falsely implicated with present case. It is submitted that the compliance of mandatory provision of Section 50 of the N.D.P.S. Act not appears to be followed in present case. It is submitted that as per seizure list the weight of total contraband is 20 kg inclusive of plastic wrapper and any deduction from that plastic wrapper from 20 kg may bring down the quantity less than commercial quantity and, as such, implication of rigorous provision of Section 37 of the N.D.P.S. Act not appears to be applicable in present case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent 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 and by taking note of the fact as compliance of Section 50 of the N.D.P.S. Act not appears to be followed in present case, where recovery of contraband i.e., *ganja*, by taking all probabilities, appears less than commercial quantity of 20kg coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.10.2022, accordingly,



above named petitioner is directed to be released on bail in connection with Bhangaha P.S. Case No. 70 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 Additional District and Sessions Judge-4, Bettiah, West Champaran/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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