

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34087 of 2023

Arising Out of PS. Case No.-81 Year-2021 Thana- SONBERSA District- Sitamarhi

Ram Ashish Rai S/O- Late Rameshwar Rai Village- Indarwa Ps- Sonbarsa
Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-06-2023 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 Sonbarsa
P.S. Case No. 81 of 2021 registered for the offence under
Sections 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 15.03.2023.

The allegation against the petitioner is to have in
possession of 5.8 kilograms of *ganja* which alleged to be
recovered from his house.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner falsely implicated with present case as



alleged recovery of contraband i.e., *ganja* appears to be made from joint house and not from the conscious physical possession of this petitioner. It is submitted that compliance of Section 100(4) of the Cr.P.C. regarding search of premises not appears to be followed in present case. It is further submitted that as alleged recovered quantity of contraband is less than commercial quantity of 20 kg in present case, accordingly, 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, as alleged recovery of contraband i.e., *ganja* appears to be made from the joint house of the petitioner, where alleged quantity appears to be less than commercial quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.03.2023, let the petitioner, above named, is directed to be released on bail in connection with Sonbarsa P.S. Case No. 81 of 2021 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-cum-Special Judge, N.D.P.S. Act, Sitamarhi/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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