

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37613 of 2023

Arising Out of PS. Case No.-443 Year-2022 Thana- CHHAURADANO District- East
Champaran

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Ranjan Kumar S/O Baleshwar Prasad Kushwaha @ Baleshwar Prasad R/O
Village- Katkenwa, Ps. Nakardei (Chhauradano), Dist. East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Chhauradano P.S. Case No.443 of 2022 registered for the
offence under Sections 8 and 21(b) of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.12.2022.

The allegation against the petitioner is to have in
possession of contraband i.e., **morphine** 200 grams, which is
prohibited under N.D.P.S. Act 1985.

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



of this petitioner and moreover compliance of Section 50 of the N.D.P.S. Act regarding search upon person, which is mandatory provision of law under N.D.P.S. Act not appears to be followed in the present case. It is further pointed out that alleged recovered quantity is of 200 grams, which is 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 made in this case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as compliance of Section 50 of the N.D.P.S. Act not appears to be followed, *prima facie*, in the present case, where alleged recovery of narcotic substance is less than commercial quantity coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 29.12.2022, accordingly petitioner, above named, petitioner is directed to be released on bail in connection with Chhauradano P.S. Case



No.443 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 1st Additional Sessions Judge, East Champaran, Motihari/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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