

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39020 of 2023

Arising Out of PS. Case No.-572 Year-2022 Thana- JOKIHAT District- Araria

Naimuddin @ Naimuddin Miya @ Md. Naimuddin Son Of Samid Miya
Village- Jadavpur Wards No-11, Ps- Jadopur Dist-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Jokihat
P.S. Case No. 572 of 2022, Special Case No. 40 of 2022
registered for the offence under Sections 8, 20(b) 22, 25, 29 of
the NDPS Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 15.11.2022.

5. The allegation against the petitioner is to have in
possession of contraband i.e. *Ganja*, total of 9.150 Kg alongwith
other co-accused persons, while travelling in a Car.

6. Learned counsel appearing on behalf of the



petitioner submitted that the alleged vehicle from where the contraband was alleged to be recovered was jointly occupied, and as such it can be safely gathered that recovery of *ganja* was not made from the conscious physical possession of this petitioner, who is a man of clean antecedent. It is submitted that as recovered quantity of alleged contraband appears less than commercial quantity, therefore, implication of rigorous provisions of Section 37 of the NDPS Act not appears to be followed in present case. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged contraband i.e. *Ganja* was recovered from jointly occupied car, where quantity is less than commercial quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.11.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Jokihat P.S. Case No. 572 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 Sessions Cum the Special Judge,
Araria/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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