

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51051 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- JALE District- Darbhanga

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Rajeev Kumar Jha @ Rudal Jha Son of Late Tirpit Narayan Jha Resident of -
Muraitha, P.S.- Jale, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Swapnil Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Jale P.S. Case No. 80 of 2022, registered for the
offences punishable under Section 20, 22 of the Narcotic Drugs
and Psychotropic Substances Act, 1985.

Allegedly, the police on receipt of an information
pertaining to sale of Ganja from the hardware shop of the
petitioner, raided the shop and on search 1kg 600 gm Ganja like
substance was recovered.

Learned counsel appearing on behalf of the petitioner



submits that from the FIR, it is evident that the recovery has been made from the hardware shop and in fact the petitioner being owner of the hardware shop, was not even aware as to who had kept the same in his shop. He further submits that the alleged recovery of Ganja like substance is admittedly more than small quantity but much below the commercial quantity and as such the rigours of Section 37 of the NDPS Act would be not applicable, apart from the fact that there is no compliance of Section 42 and 50 of the NDPS Act. He next submits that the charge-sheet has been submitted without obtaining the FSL report, which also vitiate the investigation and moreover the petitioner having fair antecedent, is in custody since 30.06.2022.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the recovery has been made from the shop of the petitioner and his involvement cannot be denied.

Regard being had to the submissions made on behalf of the parties and considering the quantity of the contraband, apart from the irregularities, during the search and seizure, coupled with the fair antecedent and period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of



the like amount each to the satisfaction of learned Sessions Judge, Darbhanga in connection with Jale P.S. Case No. 80 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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