

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61147 of 2022

Arising Out of PS. Case No.-210 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

Sanjay Kumar Son of Markandey Bind Resident of Village- Denwa, P.S.-
Bhabua, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate
	:	Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-02-2023 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 Chainpur
P.S. Case No.210 of 2022 registered for the offence under
Sections 8(c), 20(b)(ii), B/29 of the Narcotic Drugs and
Psychotropic Substances Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.08.2022.

The allegation against the petitioner is to have in
possession of 4.06 kg of contraband i.e., **ganja** alongwith other
co-accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery of contraband i.e., **ganja**



was not made from the conscious physical possession of this petitioner. It is also submitted that compliance of Section 42 and 50 of the N.D.P.S. Act, which appears mandatory as per the provision of law, not appears to be made in the present case. It is also submitted that compliance of Section 37 of the N.D.P.S. Act is not applicable in this case for the reason that recovery of alleged **ganja** is less than the commercial quantity. It is also submitted that similarly situated co-accused, namely, Shivajee Yadav has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No.60048 of 2022 vide order dated 07.02.2023. 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 been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly conceded that recovered quantity of **ganja** is less than commercial quantity.

In view of the facts and circumstances as mentioned above as recovered quantity of contraband substance i.e., **ganja** appears to be less than commercial quantity, where compliance of Section 50 of N.D.P.S. Act also appears doubtful on its face



coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Chainpur P.S. Case No.210 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 Special Judge, N.D.P.S. Kaimur, Bhabua/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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