

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61409 of 2022**

Arising Out of PS. Case No.-467 Year-2019 Thana- RAHUI District- Nalanda

Bhonu Yadav @ Ajit Kumar Son of Arjun Prasad @ Arjun Yadav R/V-  
Jagnandanpur, P.S- Rahui, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                     |
|--------------------------|---|-------------------------------------|
| For the Petitioner/s     | : | Mr. Ashutosh Singh, Advocate        |
|                          | : | Mr. Vidhan Chandra Pathak, Advocate |
| For the Opposite Party/s | : | Mr. Anil Kumar Singh No.1, 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 Rahui  
P.S. Case No.467 of 2019 registered for the offence under  
Sections 8(b)/20 (a) (i) of the Narcotic Drugs and Psychotropic  
Substances Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 18.08.2022.

The allegation against the petitioner is to have in  
possession of four '*ganja*' plant weighing in total of four  
kilograms.

Learned counsel appearing on behalf of the petitioner  
submitted that the alleged recovery was made from half



constructed house of this petitioner, which is accessible by general public and therefore the allegations as regard of cultivation is apparently false on its face, where recovery also appears doubtful from conscious physical possession. It is also submitted that the mischief by neighbours cannot be ruled out for the reason that the place is accessible by general public also. It is also pointed out that compliance of Section 100(4) of the Cr.P.C., which is related to search of premises not appears to be followed in the present case, besides the compliance of Section 42 of the N.D.P.S Act. It is also pointed out that recovered quantity of alleged **ganja** is less than the commercial quantity therefore compliance of Section 37 of the N.D.P.S Act not appears to be applicable in the present 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 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 is less than commercial quantity.

In view of the facts and circumstances as mentioned above and taking note of the facts as recovered quantity of



*ganja* is less than commercial quantity, which further appears to be recovered from partly constructed house accessible by general public 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 Rahui P.S. Case No.467 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court of Special Judge N.D.P.S. Act, Nalanda/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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