

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66797 of 2022**

Arising Out of PS. Case No.-566 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Raj Kumar Sahani @ Raj Kishor Sahani Son of Ram Swaroop Sahani @
Ramaswarup Sahani Resident of Village- Kolhua Paigamberpur, P.S.-
Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 23-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Ahiyapur
P.S. Case No. 566 of 2022 registered for the offence under
Sections 8(c) 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 30.06.2022.

The allegation against the petitioner is to have in
possession of total 6 gram in twelve sachets, containing
contraband i.e., smack.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged recovery not appears to be made from the conscious physical possession of this petitioner. It is submitted that compliance of Section 50 of the N.D.P.S. Act not appears to be made in present case, which is otherwise mandatory provision. It is also submitted that alleged recovery of contraband i.e., smack is appearing less than commercial quantity and, as such, the provision of Section 37 of the N.D.P.S. Act not appears to be applicable in present case. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that the alleged recovery of contraband/smack is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as alleged recovered contraband i.e., smack is less than commercial quantity coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ahiyapur P.S. Case No. 566 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 Additional Session Judge-III, Muzaffarpur/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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