

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64639 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- BHANGHA District- West Champaran

NAUSHAD ALAM S/o Late Sheikh Anwar R/o Village- Bherihari, P.S.-
Purushottampur, Distt- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Inspector General, S.S.B., Frontier Head
Quarter, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Parmanand Kumar, APP
For the S.S.B.	:	Mr. Awadhesh Kumar Pandey, Sr. Panel Lawyer
	:	Mr. Ravinder Kumar Sharma, C.G.C.
	:	Mr. Lokesh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2023 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 Bhangaha
P.S. Case No. 37 of 2022 registered for the offence under
Sections 20, 22, 23, 24, 27 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.06.2022.

The allegation against the petitioner is to have in
possession of 3 Kg of contraband i.e. *Ganja* and also cash of Rs.



6,670/-.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated in present case for the reason that recovery of *Ganja* is not appeared from conscious physical possession of the petitioner. It is further submitted that compliance of Sections 42 and 50 of the N.D.P.S. Act, not appears to be made in present case. While traveling over the argument, it is submitted that as recovered quantity of *Ganja* is less than commercial quantity, therefore compliance of Section 37 of the N.D.P.S. Act, not appears applicable in present case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP and learned counsel appearing for the S.S.B., while opposing the prayer of bail fairly conceded the fact that recovered contraband i.e. *Ganja* is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as recovered contraband i.e. *Ganja* is less than commercial quantity coupled with the fact that charge-sheet has



been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bhangaha P.S. Case No. 37 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 Judge, West Champaran at Bettiah/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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