

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67269 of 2022

Arising Out of PS. Case No.-273 Year-2022 Thana- BARAUNI RAIL P.S. District- Begusarai

Md. Hasim @ Monu Son Of Md. Harun R/O Vill.-Bichla Tola, Ward No. 4,
P.S.- Phulwaria, Distt.- Begusarai, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-02-2023 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 Barauni
Rail P.S. Case No.273 of 2022 registered for the offence under
Sections 8 and 20(b)(ii) (B) of the Narcotics Drugs and
Psychotropic Substances Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.07.2022.

The allegation against the petitioner is to have in
possession of contraband i.e., *ganja* total weighing about 2.134
kilograms.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner have been falsely implicated in this
case and the alleged recovery of contraband i.e., *ganja* not



appears to be made from the conscious physical possession of the petitioner. It is also submitted that compliance of Section 50 of the N.D.P.S Act, not appears to be made in the present case which is otherwise a mandatory provision of law. It is also submitted that as recovered quantity of contraband i.e., ganja is appearing less than commercial quantity, therefore compliance of Section 37 of the N.D.P.S. Act is not appearing 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 alleged recovery is less than commercial quantity.

In view of the facts and circumstances as mentioned above and by taking note of the fact that recovered contraband i.e., *ganja* is less than commercial quantity, where petitioner is a man of clean antecedent 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 Barauni Rail P.S. Case No.273 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 District and Sessions Judge, Barauni/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

S.Tripathi/-

(Chandra Shekhar Jha, J.)

U		T	
---	--	---	--

