

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68097 of 2022**

Arising Out of PS. Case No.-687 Year-2022 Thana- ALAMGANJ District- Patna

Vijay Kumar Son of Late Ram Chandra Sao, R/o Mohalla- Kajibagh Khara  
Kuan, P.S.- Alamganj, District- Patna (City)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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

2      25-02-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned Additional Public Prosecutor for the  
State.

The petitioner seeks bail in connection with Special  
Case No.206 of 2022 arising out of Alamganj P.S. Case No. 687  
of 2022 registered for the offences punishable under Sections 8,  
20(b)(ii)B of the Narcotic Drugs and Psychotropic Substances  
Act.

The petitioner/accused is named in the first  
information report and is in custody since 05.09.2022.

The allegation against the petitioner is to have in  
possession of contraband i.e. *ganja*, total of 1.140 kg alleged to  
be seized from the dining hall of the petitioner

It is submitted by learned counsel for the petitioner  
that petitioner has been falsely implicated in this case for the



reason that alleged recovered *ganja* not appears to be made from conscious physical possession of the petitioner. It is submitted that mandatory provision as regard to compliance of Section 42 of the NDPS not appears to be made in this case. It is also submitted that compliance of Section 100(4) of the CrPC also not appears to be followed. It is also submitted that the alleged recovered quantity is less than commercial quantity, where petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which the charge-sheet has been submitted, and, as such, there is no chance of tampering with the evidence.

Learned APP while opposing the prayer for grant of bail to the petitioner, fairly conceded that recovered quantity of *ganja* is less than commercial quantity.

In view of the above-mentioned facts and circumstance, as alleged recovered contraband i.e, *ganja* is less than commercial quantity, where compliance of Section 42 of NDPS Act also not appears to be followed, coupled with the fact that charge-sheet has already been submitted, let the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional Sessions Judge-XXV, Patna in connection with  
Special Case No.206 of 2022 arising out of Alamganj P.S. Case  
No.687 of 2022, subject to the conditions as mentioned under  
Section 437(3) of the Code of Criminal Procedure.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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