

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68427 of 2022**

Arising Out of PS. Case No.-268 Year-2022 Thana- BAJPATI District- Sitamarhi

Ravindra Gosai @ Ravind Gosai S/O Late Ramjas Gosai @ Late Ram Janm  
R/O Village- Indarva, Ward No-15, P.S- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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

2      15-03-2023                      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 Bajpatti  
P.S. Case No.268 of 2022 registered for the offence under  
Sections 8, 20(b)(ii)(c) and 22 of the Narcotic Drugs and  
Psychotropic Substances Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 03.09.2022.

The allegation against the petitioner is to have in  
possession of 5.2 kilograms of contraband i.e. *ganja*.

Learned counsel appearing on behalf of the petitioner  
submitted that the alleged recovery of contraband i.e. *ganja* not



appears to be made from the conscious physical possession of the petitioner. It is submitted that recovered quantity is less than commercial quantity, as such compliance of Section 37 of the N.D.P.S. Act not appears applicable in the present case. It is further submitted that procedure regarding search and seizure were also not complied 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 of *ganja* is less than commercial quantity.

In view of the facts and circumstances as mentioned above as recovered quantity of contraband i.e. *ganja* is less than commercial quantity, where compliance of procedure related with search and seizure were not complied on its face 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 Bajpatti P.S. Case No.268 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 I/C



Special Judge NDPS Act, Sitamarhi/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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