

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73267 of 2022

Arising Out of PS. Case No.-836 Year-2022 Thana- KAHALGAON District- Bhagalpur

Satyajit Kumar S/o Ambika Prasad Mandal R/o Village- Lailak, P.S.- Sabour,
Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-03-2023 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
Kahalgaon (Ghogha) P.S. Case No. 836 of 2022 registered for
the offence under Sections 20 and 22 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.08.2022.

The allegation against the petitioner is to have in
possession of contraband i.e., *ganja* total of 2 kg and same was
found in handle of the motorcycle of this petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged contraband i.e., *ganja* was not recovered from the conscious physical possession of this petitioner. It is submitted that compliance of mandatory provisions, as regard to sampling and seizure, is not made in present recovery of *ganja*. It is also submitted that alleged quantity of recovered *ganja* is less than commercial quantity, therefore, barrier of Section 37 of the N.D.P.S. Act is not 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 has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact, as 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 the petitioner, above named, is directed to be released on bail in connection with Kahalgaon (Ghogha) P.S. Case No. 836 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



Sesssions Judge, Bhagalpur/concerned Court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

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