

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70318 of 2022

Arising Out of PS. Case No.-301 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

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HARIOM KUMAR Son of Manoj Bind R/V- Manihari, P.S- Bhabhua, Dist-
Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-03-2023 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

Durgawati Police Station Case No. 301 of 2022 registered for
the offence under Sections 8(C)20(b)(II)b/29 of the N.D.P.S.
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.10.2022.

The allegation against the petitioner is to have in
possession of 16 Kg of contraband i.e. '*Ganja*' alongwith other
co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not connected in any manner with alleged recovery of contraband i.e. '*Ganja*', which alleged to be recovered from the Alto Car, which was initially occupied by other co-accused persons. It is also submitted that nothing surfaced during the course of investigation that petitioner is connected in any manner with alleged recovery of contraband i.e. *Ganja*. It is also submitted that alleged recovery is less than commercial quantity and as such the barrier under Section 37 of the N.D.P.S Act is not applicable in this case. While concluding the argument, it is 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, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as alleged recovery of contraband is less than commercial quantity, which not appears to be recovered from the conscious physical possession of this petitioner, 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 S.T. No. 125 of 2022 in Durgawati Police Station Case No. 301 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-Cum-Special Judge, Kaimur at Bhabhua/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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