

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69198 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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SANJAY YADAV S/o Nandu Yadav R/o Village- New Tola Jurabganj, P.S.-
Kodha, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-03-2023 Let the defect(s), if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Gopalganj Town P.S. Case No.161 of 2022 registered for the offence punishable under Sections 8(c) and 21(c) of the N.D.P.S. Act.

As per the prosecution, the police personnel on secret information apprehended this petitioner and upon search, 18 pudiyas weighing 5.31 grams of contraband suspected to be



Smack were recovered.

The main submissions advanced by the learned counsel for the petitioner are that as per the FIR only 5.31 grams narcotic material suspected to be smack was allegedly recovered from the possession of this petitioner but while weighing the alleged contraband 18 packets in which the contraband was kept, were also weighed without excluding the said packets and therefore the alleged contraband comes in the purview of small quantity as the weight of said sachets had to be reduced from the total alleged quantity of contraband mentioned in the FIR. Further submission is that from the seizure list it is clearly evident that there is no signature of concerned Magistrate in whose presence the alleged contraband was seized, the investigation has been completed against the petitioner and he has been languishing in jail since 04.03.2022. Further submission is that against the petitioner there are criminal antecedents of two cases, but they were lodged under the offences of IPC.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, in the opinion of this Court a lenient approach can be taken in respect of the



petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Gopalganj Town P.S. Case No.161 of 2022.

(Shailendra Singh, J)

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