

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70389 of 2022

Arising Out of PS. Case No.-277 Year-2022 Thana- ITARHI District- Buxar

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Rajbali Singh S/O Ramawatar Singh R/O Village- Purushotampur, P.S- Itarhi,
District- Buxar

... .. Petitioner/s

Versus

1. The Union of India N.D.P.S Act Bihar
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 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 Itarhi P.S.
Case No. 277 of 2022 (pre trial N.D.P.S. Case No.
BRBU10P0020512022) registered for the offence under
Sections 20(b)(ii)(B), 22(b) and 29 of N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.09.2022.

The allegation against the petitioner is to have in
possession of 4.435 Kg of contraband i.e. *Ganja* alongwith other
co-accused persons/family members.



Learned counsel appearing on behalf of the petitioner submitted that the alleged contraband i.e. *Ganja* recovered from the shop, which is running by brother and father of the petitioner and he was apprehended only for the reason that at the time of raid he visited the place of occurrence out of curiosity. It is further submitted that the alleged recovered contraband i.e. *Ganja* is admittedly not appears to be recovered from the conscious physical possession of this petitioner. Learned counsel further submitted that as alleged recovered contraband i.e. *Ganja* is less than commercial quantity therefore, the barrier of Section 37 of the N.D.P.S. Act is not applicable in present case. It is also submitted that the compliance of procedure as related to seizure and sampling was also not complied with, which is otherwise mandatory as per the provision of law. While concluding the argument, it has been 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 recovery of contraband i.e. *Ganja*, which is less than



commercial quantity appears to be made from the shop of brother and father of the 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 Itarhi P.S. Case No. 277 of 2022 (pre trial N.D.P.S. Case No. BRBU10P0020512022) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Judge-cum-Special Court, N.D.P.S Act, Buxar/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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