

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70748 of 2022

Arising Out of PS. Case No.-249 Year-2022 Thana- BAISI District- Purnia

Bablu Yadav Son of Yogi Yadav R/O Village- Durgapur, P.S.- Muffasil,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-04-2023 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 Baisi P.S.
Case No. 249 of 2022 registered for the offence under Sections
08/20, (b), (ii), (B) of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.06.2022.

The allegation against the petitioner is to have in
possession of contraband i.e., *ganja* total of 6.9kg while
travelling in a bus alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged bag is not connected with petitioner



and mere on the basis of suspicion as petitioner was the last passenger of the bus, was apprehended in this case. It is submitted that the manner in which alleged contraband i.e., *ganja* was recovered is speaking clearly that same not appears to be recovered from the conscious physical possession of this petitioner. It is also pointed out that as recovered quantity of contraband i.e., *ganja* is less than commercial quantity, therefore, barrier of Section 37 of the N.D.P.S. Act is not applicable in this case. 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 and, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded that the recovered amount of contraband i.e., *ganja* is less than commercial quantity..

Considering the facts and circumstances as mentioned above, as recovery of contraband i.e., *ganja* is less than commercial quantity, where recovery is not appearing from conscious physical possession of this petitioner on its face coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail



in connection with Baisi P.S. Case No. 249 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 Special Judge, N.D.P.S. Act, Purnea/concerned court,
subject to the conditions as mentioned under Section 437(3) of
Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

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