

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70397 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- DIDARGANJ District- Patna

Mantu Mahto Son of Late Kamal Mahto R/O Village- Katra Bazar, P.S.-
Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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 Didarganj
P.S. Case No. 162 of 2022 registered for the offence under
Sections 8(c), 20(B) and 29 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.06.2022.

The allegation against the petitioner is to have in
possession of contraband i.e., *ganja* total of 9 kg, while
travelling in a three-wheeler.

Learned Senior counsel appearing on behalf of the
petitioner submitted that alleged recovery of contraband i.e.,



ganja is not appears to be made from the conscious physical possession of this petitioner. It is also pointed out that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While travelling over the argument it is submitted that provisions, as regard to search and seizure, were also not complied with in present case, which is otherwise mandatory provision of law. It is submitted that as recovered quantity of contraband i.e., *ganja* is less than commercial quantity the barrier of Section 37 of the N.D.P.S. Act is also not appears 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 opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged recovery of contraband i.e., *ganja*, which is less than commercial quantity, not appears to be made from the conscious physical possession of this petitioner 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 Didarganj P.S. Case No. 162 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 Sessions Judge-XXVI, Patna/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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