

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73439 of 2022

Arising Out of PS. Case No.-314 Year-2022 Thana- BARAUNI RAIL P.S. District- Begusarai

Mithlesh Sahni Son of Late Gonar Sahni Resident of Village - Sanhauli, P.S.-
Chitragupta Nagar, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 N.D.P.S.
Case No. 35 of 2022 arising out of Barauni Rail P.S. Case No.
314 of 2022 registered for the offence under Section 8/20(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 02.09.2022.

The allegation against the petitioner is to have in
possession of 2.40 Kg of contraband i.e. 'Ganja', where total
recovery of 15.899 Kg. From other co-accused persons, while
sitting over the railway platform of Barauni Railway Junction.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of contraband i.e. Ganja not appears to be made from the conscious physical possession of the petitioner. It is submitted that procedure as related with seizure list and sampling not appears to be complied in the present case. It is further submitted that as recovered quantity of ganja is less than commercial quantity, therefore, barrier of Section 37 of the N.D.P.S. Act is not applicable in the present case. While concluding the argument, it has been submitted that petitioner found involved in one case, where he is on bail and, moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tempering with the evidence.

Learned APP, while opposing the prayer of bail.

In view of the facts and circumstances as mentioned above, as alleged recovery of contraband i.e. 'Ganja' is less than commercial quantity, where petitioner is in custody since 02.09.2022 coupled with the fact that charge-sheet has submitted, let the petitioner, above named, is directed to be released on bail in connection with N.D.P.S. Case No. 35 of 2022 arising out of Barauni Rail P.S. Case No. 314 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, Begusarai/concerned Court, subject to
the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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