

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73399 of 2022**

Arising Out of PS. Case No.-122 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

Suchit yadav son of late Bijo Yadav r/v- salema digra, p.s.- S.Kamal, District-
Begusarai

... .. 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.

The petitioner seeks bail in connection with Sahebpur
Kamal P.S. Case No.122 of 2022 registered for the offence
under Sections 120(B) and 34 of the Indian Penal Code and
Sections 8, 20 and 22 of the Narcotics Drugs and Psychotropic
Substances Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.05.2022.

The allegation against the petitioner is to have in
possession of 9 kilograms of contraband i.e., *ganja* alongwith
other co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovered contraband i.e., *ganja* is not made from the conscious physical possession of this petitioner for the reason that alleged motorcycle was found jointly occupied alongwith other co-accused person. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police constables. It is also submitted that procedural compliance as regard to sampling and seizure also not appears to be made in the present case. It is further submitted that barrier of Section 37 of the N.D.P.S. Act not appears to be made in the present case for the reason that recovered quantity is less than the commercial quantity. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as recovered quantity of contraband i.e. *ganja* is less than commercial quantity, where recovery appears to be made from joint possession, coupled with the fact that charge-sheet has



already been submitted, let above named petitioner is directed to be released on bail in connection with Sahebpur Kamal P.S. Case No.122 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 District and Sessions Judge, Begusarai/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

