

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74249 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- MURLIGANJ District- Madhepura

Md. Haidar Son of Md. Mister R/V- Baijnathpur, Ward no. 6, P.S- Sour Bazar,
dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-03-2023 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 Murliganj
P.S. Case No.165 of 2022 registered for the offence under
Sections 18, 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 09.04.2022.

The allegation against the petitioner is to have in
possession of 800 grams of contraband i.e. *ganja*.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been falsely implicated in this case



as alleged recovery of contraband i.e. *ganja* not appears to be made from the conscious physical possession of this petitioner. It is also pointed out that alleged recovered quantity is less than, smaller quantity for which maximum punishment is extended up to one year only, where petitioner is in custody since 09.04.2022 i.e., about one year. It is also submitted that compliance of Section 50 of the N.D.P.S. Act as regard to search upon a person not appears to be made in the present case. 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 alleged recovered quantity is less than smaller quantity, where petitioner is in custody since, 09.04.2022 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 Murliganj P.S. Case No.165 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



District Judge I-cum-Special Judge, Madhepura/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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