

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40633 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- JOGBANI District- Araria

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Ram Kumar Gaushwami @ Ram Kumar Goswami, Son of Indrajit Gaushwami @ Indrajeet Goswami, Resident of Village- Kalua Baijnathpur, P.O.- Pipra, P.S.- Jogbani, Dist- Araria. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arpana Kumari, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 18-09-2024
1. Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.
 2. The petitioner seeks bail in connection with Jogbani Bathnaha P.S. Case No. 38 of 2024 registered for the offence under Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act.
 3. The accused/petitioner is named in the F.I.R. and is in custody since 22.02.2024.
 4. The allegation against the petitioner is to have in possession of 15 Kg of contraband i.e. *ganja* alongwith other co-accused persons.
 5. Learned Counsel appearing on behalf of the petitioner submitted that out of alleged 15 Kg, only 8 kg of *ganja* was alleged to be



recovered from co-accused Anand Sah and as this petitioner was only pillion rider, was implicated with present case. It is submitted that nothing surfaced during the course of investigation, which may suggest a culpable mental state of petitioner *qua* possession of *ganja* with co-accused Anand Kumar, who was the driver of the motorcycle. It is submitted that as alleged recovered contraband is less than commercial quantity, therefore, rigorous implication of Section 37 of N.D.P.S. Act also not appears applicable in present case. While travelling over the argument, it is submitted that sampling, seizure and sealing of recovered contraband not appears to be followed as per the mandatory provisions available under the Act. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no



chance of tampering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances and by taking note of fact as recovered contraband is less than commercial quantity, where investigation of this case is already completed, where petitioner remains in custody since 22.02.2024, who is a man of clean antecedent, accordingly, petitioner above named, is directed to be released on bail in connection with Jogbani Bathnaha P.S. Case No. 38 of 2024 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 cum the Special Judge, N.D.P.S. Act, Araria/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. /Section 480(3) of BNSS.



(Chandra Shekhar Jha, J)

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