

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41584 of 2024

Arising Out of PS. Case No.-221 Year-2023 Thana- RAJEPUR District- East Champaran

Ramu Rai @ Ramu Yadav, son of Late Baijulal Rai @ Baijulal Yadav,
Resident of village- Narha Chandi Dhab, P.S.- Rajepur Dist- East Champaran
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Y. Madhavi, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 18-09-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Rajepur P.S. Case No.221 of 2023 registered for the
offences punishable under Sections 8, 20(b)(ii)(B) of the
Narcotic Drugs and Psychotropic Substances Act, 1985 (for
short 'N.D.P.S. Act).

3. The accused/petitioner is named in the FIR and
is in custody since 22.03.2024.

4. Allegation against the petitioner is to have in
possession of about 20 kg. of *ganja*.

5. It is submitted by learned counsel for the
petitioner that petitioner has been falsely implicated with



present case for the reason that during the course of investigation, the place of recovery subsequently found belongs to one Brijnandan and Rameshwar Rai, where the petitioner, who is 70 years old not appears to be connected in any manner with alleged bamboo clamps and also with recovered *ganja*. It is submitted that bamboo clamps is an open place and accessible by general public. It is submitted that the seizure list witnesses during the course of investigation filed a separate affidavit and they retracted from their own version, which made earlier during the investigation in support of seizure and said that they put their signature only on blank paper. It is submitted that false implication can be gathered easily from seizure list itself. In this context, it is pointed out that seizure list is speaking clearly that quantity of recovery as 20 kgs of *ganja* which found wrapped in a plastic bag. Therefore, if any weight will reduce upon weighing of contraband for plastic bag, same would be fall below 20 kgs. making actual contraband less than the commercial quantity and, therefore, the rigorous provision of Section 37 of the N.D.P.S. Act not appears to



be applicable in present case. While concluding 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 submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer for grant of bail to the petitioner fairly conceded that seizure list suggest recovery of contraband/ganja about 20 kgs, which was wrapped in a plastic bag.

7. In view of above-mentioned facts and circumstances and by taking note of fact as recovered quantity appears *prima facie* less than commercial quantity upon bare perusal of seizure list, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.03.2024, who is a man of clean antecedent and moreover the alleged recovery also appears from a bamboo clamps, which is an open place and accessible by general public, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, East Champaran, Motihari in connection with Rajepur P.S. Case No.221 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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