

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40794 of 2024

Arising Out of PS. Case No.-01 Year-2024 Thana- Lalamnia District- Madhubani

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Karmvir Ram @ Karmvir Son Of Hira Ram R/O- Village - Bharat Nagar,
Ward No.1, P.S.- Gayghat (Benibad O.P.), District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Kusum Rani, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 10-06-2024 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
- the G.R. No. 13/2024 arising out of Lalmania P.S. Case
- No. 01 of 2024 registered for the offence under Sections
- 8/20(ii) (b)(c) of 2023 of N.D.P.S Act.
3. The accused/petitioner is named in the F.I.R.
- and is in custody since 28.02.2024.
4. The allegation against the petitioner is to
- have in possession of ganja/contraband having total
- amount of 5.7 Kg.



5. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of contraband appears to be made from the bag, which is not connected in any manner with petitioner, who is a man of clean antecedent. It is submitted that the seizure list is also not supported by independent witnesses. It is further submitted that as recovered ganja is less than commercial quantity, the implication of Section 37 of NDPS Act not appears applicable in present case. It is submitted that compliance of Section 50 of NDPS Act also not appears to be followed in present case. While concluding the argument, it is submitted that investigation of this case is 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 as mentioned above as alleged contraband i.e. ganja not appears *prima facie* recovered from the conscious



physical possession of this petitioner, which is less than commercial quantity, where seizure list is also not supported by independent witnesses coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.02.2024 accordingly, petitioner above named, is directed to be released on bail in connection with G.R. No. 13/2024 arising out of Lalmania P.S. Case No. o1 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 Judge, Madhubani, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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