

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46207 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- JOGBANI District- Araria

Arbind Kumar Yadav @ Arvind Ku. Yadav Son Of Late Dineshwar
Yadav Resident Of Village - Posdaha, Ward No.9, Post - Bhangahi, P.S.
- Narpatganj, District - Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

Jogbani P.S. Case No. 59 of 2024 registered for the

offence under Sections 21 and 22 of the N.D.P.S. Act.

3. The petitioner is named in the F.I.R. and is

in custody since 16.03.2024.

4. The allegation against the petitioner is to

have in possession of contraband/*Ganja* total of 16

kilograms along with other co-accused persons, while he

was found traveling in a car bearing Registration No.



BR38N-5360.

5. Learned counsel appearing on behalf of the petitioner submitted that the car in issue was occupied by different persons and as such it can be said safely that the recovery of contraband/*Ganja* not appears to be made from conscious physical possession of the petitioner. It is submitted that the compliance of mandatory provisions as available under law regarding search of vehicle not appears to be followed in the present case. It is further submitted that the recovered quantity is less than the commercial quantity which in the present case is 20 Kilograms and as such rigorous implications of provisions as available under Section 37 of the N.D.P.S. Act not appears applicable in the present case. While concluding the argument, it is submitted that petitioner has no criminal antecedent.

6. Learned APP opposes the prayer of bail.

7. In view of the aforesaid facts and circumstances as the recovered quantity is less than



commercial quantity where the petitioner has got clean antecedent, accordingly, the petitioner, above named, is directed to be released on bail in connection with Jogbani P.S. Case No. 59 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 District and Sessions Judge-cum-Special Judge, N.D.P.S. Act, Araria, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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