

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49733 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- SURYAPURA District- Rohtas

Santosh Chaudhary son of Late Raghunath Chaudhary Village- Ghopatpur Ps-
Suryapura Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 31-08-2024 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

Suryapura P.S. Case No. 82/2024 registered for the

offence under Sections 20(b), (ii)(b)/22(b) of the

N.D.P.S. Act and Sections 26, 27, 25(1-b)(i) of Arms

Act.

3. The accused/petitioner is named in the F.I.R.

and is in custody since 31.03.2024.

4. The allegation against the petitioner is to

have in possession of 2.620 Kg of ganja/contraband and

also one country made pistol.

5. Learned counsel appearing on behalf of the

petitioner submitted that the house from where alleged



ganja/contraband and country made pistol were alleged to be recovered, belongs to the father of petitioner and for said relation only, petitioner was falsely implicated with present case. It is further submitted that the alleged country made pistol was recovered from the house, below the bed and same not appears to be recovered from the conscious physical possession of petitioner. It is also submitted that as recovered quantity of alleged ganja/contraband appears less than commercial quantity, therefore, implication of rigorous provisions of Section 37 of the NDPS Act not appears to be applicable in present case. It is also submitted that seizure list of recovery *qua* ganja and county made pistol are not appears to be supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 the recovered quantity of ganja/contraband which is less than commercial quantity is not appears *prima facie* recovered from conscious physical possession of petitioner coupled with the fact that charge-sheet has already submitted, accordingly, petitioner above named, is directed to be released on bail in connection with Suryapura P.S. Case No. 82/2024 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, Rohtas at Sasaram/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J)

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