

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55954 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- MARANCHI District- Patna

Uma Shankar Singh, Male, aged about 61 years, Son of Late Ram Krishna Singh Resident of Village - Tajpur, P.S.- Maranchi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nirmal Kumar, Advocate
For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-08-2024 Heard Mr. Nirmal Kumar, learned counsel appearing on behalf of the petitioner and Ms. Pushpa Sinha.1, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Maranchi P.S. Case No. 32 of 2024 registered for the offence(s) punishable under Sections 8, 20(B)(II)(b) of the Maranchi Drugs and Physhotropic Substance Act.

3. As per the allegation made in the FIR, 149.6 gram of marijuana was recovered from the *Gumti* of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that a small quantity of marijuana has been recovered, though not from the possession of the petitioner and the *Gumti* of the petitioner is easily accessible by any public, who might have kept the marijuana in his *Gumti*. Petitioner has



clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the total quantity of marijuana which has been recovered from the *Gumti* of the petitioner and not from the possession of the petitioner being easily accessible to the public. I find that in light of observation made by the Apex Court *vide* order dated 12.02.2024 in the case of **State By the Inspector of Police Versus B. Ramu (SLP (Crl.) No(s). 8137 of 2022**, reason has to be recorded in case of recovery of commercial quantity of narcotic drugs or psychotropic substance, considering the rigors of Section 37 of NDPS Act. The Apex Court in the aforesaid case, considering the quantity of the Ganja of 232.5 k.g. had dismissed the appeal in view of the fact that the accused were found to be in possession of 232.5 kg. of *Ganja*. However, in the present case, the quantity of *Ganja* which has been recovered is 149.6 gram, which is a small quantity and as such, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today,



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 (NDPS) Patna in connection with /Maranchi P.S. Case No. 32 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

Sanjay/-

U		T	
---	--	---	--

