

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6204 of 2025

Arising Out of PS. Case No.-591 Year-2024 Thana- BARUN District- Aurangabad

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Jitendra Kumar @ Jitendra Singh S/o Ramjee Singh @ Ramjee Yadav R/o
Village- Jankop, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Singh, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Barun P.S. Case No. 591 of 2024 registered for the alleged offences under Sections 8/20(b)ii (A)/22 of the Narcotic Drugs and Psychotropic Substances Act.

03. As per prosecution case, on a tip off the *Gumti* of the petitioner was searched and recovery of 149.7 gram of *Ganja* was made and the petitioner was apprehended.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner. Even from the facts of FIR, the allegation against the petitioner is for possession of only 149.7



gram of *Ganja*, which is less than the notified small quantity, still the Additional Sessions Judge-III, Aurangabad rejected the prayer for bail of the petitioner. Learned counsel further submits that the petitioner is in custody since 24.12.2024 and he is a man of clean antecedent.

05. Learned APP for the State though opposes the prayer for bail but he concedes that the quantity of recovery is less than the notified small quantity.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of contraband shown to be recovered from the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Aurangabad/court concerned in connection with Barun P.S. Case No. 591 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

07. Let the matter be placed before Hon’ble the Acting Chief Justice for consideration and for corrective measures on administrative side since refusal of bail by the trial courts in such cases involving small/less than small quantity of contraband puts unnecessary and completely avoidable burden on the precious time of the High Court.

(Arun Kumar Jha, J)

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