

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24586 of 2025

Arising Out of PS. Case No.-317 Year-2024 Thana- Excise P.S. District- Nawada

Rajan Kumar Gupta, S/o Yogesh Gupta, Resident of Village-Laxmipur,
Parsauna, P.S.- Bhitha, District- West Champaran,

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Excise P.S. Case No.317 of 2024 registered for the
offences punishable under Sections 8 and 20(ii)(b) of the
Narcotic Drugs and Psychotropic Substances Act (in short
'N.D.P.S. Act').

3. The accused/petitioner is named in the FIR and is
in custody since 30.04.2024.

4. Allegation against the petitioner is to have in
possession of 10 kgs of *ganja*, which was found beneath the
seat of bus, where the petitioner was sitting.

5. A report was called for by this Court vide order



dated 30.04.2025 regarding the stage of trial and in compliance of the aforesaid order, a report was made available to this Court through Letter No.72/2025 dated 23.05.2025 suggesting that charge against the petitioner was framed on 14.02.2025 and not even a single prosecution witness was examined in this case.

6. It is submitted by learned counsel appearing for the petitioner that the recovery of alleged *ganja* cannot be said to be made from conscious physical possession of this petitioner. It is submitted that the recovery of *ganja* is less than commercial quantity, and, therefore, the rigours of Section 37 of the N.D.P.S. Act not appears to be applicable in present case. It is further submitted that the mandatory compliance regarding search, seizure and sampling also not appears to be followed, making entire investigation faulty. It is pointed out that petitioner is in custody since more than one year and there is almost no progress in trial, as not even a single prosecution witness has been examined in this case. It is submitted that the petitioner is a man of clean antecedent.

7. Learned APP opposed the prayer for grant of



bail to the petitioner.

8. In view of aforesaid factual submissions and by taking note of fact as recovery of contraband appears less than commercial quantity, having no import of Section 37 of the N.D.P.S Act, coupled with the fact that compliance of mandatory provisions also appears *prima facie* doubtful, where petitioner is in custody since 30.04.2024 and not even a single prosecution witness has been examined till now, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I, Nawada in connection with Excise P.S. Case No.317 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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