

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41036 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- KURSAILA District- Katihar

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Rishi Gautam S/o Anirudh Mandal R/o Village- Chhoti Mohanpur, P.S.-
Ekchari, District- Bhagalpur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-08-2025 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 NDPS
Case No. 10/2025 arising out of Kursela P.S. Case No. 11/2025,
registered for the offence under Sections 8, 20(B)(ii)(C) of the
NDPS Act, 1985.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 10.01.2025.

4. The allegation against the petitioner is to have in
possession of 14.720 Kg of *Ganja* in red colour trolley bag. As per
FIR, one woman was also apprehended in same connection having
possession of 6.3 kg of contraband i.e. *ganja*.

5. Learned Counsel appearing on behalf of the petitioner
submitted that the petitioner was found only in possession of
14.720 Kg of *ganja* and the recovered *ganja* from another co-



accused cannot add with recovered quantity of this petitioner, for the reason that nothing surfaced during investigation that both of them working together as to import their culpable mentality against the possession of each other contraband to make it otherwise commercial quantity. It is submitted that in view of same, this is a case of recovery of less than commercial quantity of contraband as in present case the commercial quantity is of 20 Kg. It is also submitted that mandatory provisions regarding search, sealing and sampling (SSS) not appears to be followed in its true sense as per provisions under NDPS Act, 1985. It is also pointed out that in view of recovered quantity, the rigour of Section 37 of NDPS not appears applicable in present case and, moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed his antecedent as clean.

6. Learned APP while opposing the prayer of bail submitted that it is a case of recovery of commercial quantity as the woman was one of the accomplice of petitioner as per FIR.

7. Considering the aforesaid factual submissions and by taking note of fact as FIR *prima facie* disclosed that recovery from this petitioner was only 14.720 Kg of *ganja*, which is less than



commercial quantity, coupled with the fact that investigation is already completed, where petitioner remains in custody since 10.01.2025, having clean antecedent, accordingly, petitioner above named, is directed to be released on bail in connection with NDPS Case No. 10/2025 arising out of Kursela P.S. Case No. 11/2025, 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, Katihar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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