

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44974 of 2025

Arising Out of PS. Case No.-262 Year-2024 Thana- ATHMALGOLA District- Patna

Pappu Rai Son of Nanan Ray @ Nandan Ray Vill- Ganjpar Ps -Athamalgola
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar, Adv
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-09-2025 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

Athmalgola P.S. Case No. 262 of 2024 registered for the offences

under Sections 20 and 22 of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody

since 02.11.2024.

4. The allegation against the petitioner is to have in

possession of 21.730 kilograms of contraband i.e., *ganja*.

5. Learned counsel appearing on behalf of the petitioner

submitted that alleged recovery was made from the joint house of

petitioner. It is also submitted that compliance of Section 103(4)

of the BNSS regarding search of premises not appears followed in



the present case and also provisions related with search, sampling and seizure (SSS), which otherwise appears mandatory also not appears followed in the present case. It is submitted as recovery of contraband/*ganja* not appears to be made from the conscious physical possession of this petitioner, therefore, import of rigors of Section 37 of the NDPS Act not appears applicable in the present case. While concluding the argument it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that as per seizure list huge quantity of contraband/*ganja* was recovered from the room of petitioner which was kept under his bed. It is submitted that recovered quantity is commercial quantity and, therefore, in view of Section 37 of the NDPS Act, prayer for bail of petitioner must be refused. It is not a case where incomplete charge-sheet was submitted without FSL.

7. Considering the aforesaid factual submission and by taking note of fact as commercial quantity of *ganja* was recovered from the room of this petitioner as per seizure list, therefore,



prima-facie taking provisions of Section 37 of the NDPS Act, the prayer for bail of the petitioner is rejected herewith for the present.

8. As petitioner remains in custody since 02.11.2024, learned Trial Court is directed to conclude the trial, preferably, within a period of one year from the date of receipt of this order.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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