

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62642 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- SURYAPURA District- Rohtas

Shyambihari Singh @ Shyambihari Singh Yadav, S/o Late Ramayan Singh @
Ramayan Singh Yadav, R/o Village - Agrer Kalan, Post - Agrer Kalan, P.S.-
Suryapura, District - Rohtas (Bihar) Pin - 802226

... .. Petitioner

Versus

1. The Union of India, NDPS, New Delhi
2. The State of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Ms. Adya Pandey, Advocate

For the Opposite Party/s : Mr. Ram Tujabh Singh, CGC

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 03-12-2025 Heard learned counsel for the petitioner and learned

counsel appearing for Union of India.

2. The accused/petitioner seeks bail in connection

with Suryapur Thana P.S. Case No.39 of 2025 registered for

the offences punishable under Sections 8-B, 20(a) and 22 of

the Narcotic Drugs and Psychotropic Substances Act, 1985 (in

short 'NDPS Act').

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

is in custody since 13.06.2025.

4. Allegation against petitioner is to involve in

cultivation of *ganja* which is prohibited under NDPS Act,

where upon raid, total five plants of *ganja* was found



cultivated weighing total of 40 kgs.

5. It is submitted by Ms. Adya Pandey, learned counsel appearing for the petitioner that from the field of petitioner only five plants of *ganja* were recovered by police. It is pointed out that it was developed on its own as a weeds and petitioner was not aware about the fact that the plant is of ganja. It is submitted that had have intention to cultivate by petitioner, in that case, there is all chances to have more plants of *ganja* in the field. It is pointed out that the total weight of five plants is about about 40 kgs out of which maximum of 500 gms-1000 gms of *ganja* in actual can be extracted from its shoot part and, therefore, the substance, which, in actual is prohibited is less than smaller quantity and therefore, this is not a case, where rigors of Section 37 of the NDPS Act can be said applicable. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned counsel appearing for Union of India while opposing the prayer of bail submitted that the total



plants, which found recovered from the field of petitioner is five in numbers, having total weight of 40 kgs.

7. In view of aforesaid factual submissions and by taking note of fact as *prima facie* the case of prosecution failed to suggest involvement of petitioner *qua* cultivation of *ganja*, coupled with the fact that investigation of this case is already completed, where petitioner, being man of clean antecedent, remains in custody since 13.06.2025, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Court, NDPS Act, Rohtas in connection with Suryapur Thana P.S. Case No.39 of 2025, 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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