

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62797 of 2025

Arising Out of PS. Case No.-212 Year-2025 Thana- BARACHATTI District- Gaya

1. Sandeep Singh @ Sandip Singh S/O Nishant Singh R/O Village- Navipur, P.S.- Sarhind, Distt.- Fetehtarh (Punjab).
2. Lakhwendar Singh @ Lakhwindaw Singh @ Lakhvinder Singh S/O Prakash Singh R/O Village- Rajpura, P.S- Rajpura, Dist.- Patiala (Punjab).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-11-2025 Heard learned counsel appearing on behalf of the

petitioners and learned APP appearing on behalf of the State.

2. The petitioners seek bail in connection with Barachatti

P.S. Case No. 212/2025, registered for the offence under Sections

8, 17(C) and 18(C) of NDPS Act.

3. The accused/petitioners are named in the F.I.R. and

are in custody since 12.06.2025.

4. Accused/petitioners found in possession of 17 Kg of

Poppy straw which alleged to be recovered from the cabin of truck,

where petitioner nos. 1 and 2 apprehended as driver and cleaner.

5. Learned counsel appearing on behalf of the petitioner

submitted that the seizure of alleged contraband was made

without any preliminary test ascertaining whether same was poppy



straw. It is also submitted that the alleged recovery not appears to be made from conscious physical possession of this petitioner. It is further submitted that the mandatory provisions as available under Section 42 of the NDPS Act not appears followed in present case, besides other mandatory provisions available under Act itself *qua* search, seizure and sampling (SSS). It is also submitted that as recovered quantity is less than commercial quantity, therefore, rigours of Section 37 of NDPS Act not appears applicable in present case. While concluding the argument, it is submitted that 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 and, moreover, petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of quantity of recovery, where without any preliminary assessment, sampling was drawn, coupled with the fact that investigation of this case is already completed, where petitioners remain in custody since 12.06.2025, accordingly, both above named petitioners, are directed to be released on bail in connection with Barachatti P.S. Case No. 212/2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of



the like amount each to the satisfaction of learned Sessions Judge-
cum-Special Judge, NDPS Act, Gaya/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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