

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20992 of 2016

Arising Out of PS.Case No. -104 Year- 2015 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

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Munna Khan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari

For the Opposite Party/s : Mr. Nirmal Kr. Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in jail since 17.11.2015 in a case registered for the offences punishable under Sections 20(b), 22, 23 and 24 of the NDPS Act.

From the possession of the petitioner, 1.5 kg of ganja was recovered.

It is submitted by learned counsel for the petitioner that maliciously the petitioner has been roped in the present case. Moreover, recovery is between small and commercial quantity. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent. It is further submitted that the present case does not come within the purview of Section 24 of the NDPS Act as Section 24 of the NDPS Act deals with the punishment for external dealings in narcotic drugs and

psychotropic substances in contravention of *section* 12 of the Act and in the present case the petitioner has not obtained ganja from outside the country.

Considering the recovery of contraband between small and commercial quantity, let the above named petitioner be released on bail, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Addl. Sessions Judge cum Special Judge, Motihari in connection with NDPS Case No. 61 of 2015 arising out of Palanwa (Bhelahi O.P.) P.S. Case No. 104 of 2015.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if he defaults for three consecutive occasions or gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

Amrendra/-

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