

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29524 of 2016

Arising Out of PS.Case No. -566 Year- 2015 Thana -SUPAUL District- SUPAUL

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Nunu Lal Mandal @ Bhuvneshwar Mandal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-07-2016

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in jail since 30.06.2016 in a case registered for the offences punishable under Sections 20 (B) (1)/22 (A), of the N.D.P.S. Act.

The prosecution case is that one Umesh Kumar @ Mallu Yadav was apprehended while traveling on a motorcycle. From the alleged motorcycle 5 kg Ganja and mobile were recovered. The apprehended accused Umesh Kumar confessed that he used to purchase Ganja from the petitioner Nunnu Lal Mandal and on the alleged date of seizure he was going to return the Ganja to the petitioner.

It is submitted by learned Senior counsel for the petitioner that the recovery is not made from the petitioner and the accused, on whose confession the petitioner has been roped in the present case, has been granted bail. A statement has been made in para 3 of the petition that the petitioner is accused in one other case being Pipra P.S. Case No. 01 of 2011 registered for the offences under Sections 353/34 of the I.P.C and Sections 20 and 22 of the

N.D.P.S. Act wherein he is on bail. It is further submitted that the learned Sessions Judge has rejected the bail application under misconception that more than 1 kg Ganja is a commercial quantity.

Learned A.P.P. Mr. J.N Thakur submits that though recovery has not been made from the petitioner but co-accused Umesh Kumar from whom the recovery has been made has confessed that he used to purchase Ganja from the petitioner.

Considering the fact that recovery has not been made from the petitioner let the petitioner be released on bail on furnishing bail bond of Rs. 10,000(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Supaul, in connection with Supaul P.S. Case No. 566 of 2015.

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

‘Ganja’ appears as item no. 55 in the table published by Central Government in exercise of power conferred by Clauses (viia) and (xxiiia) of Section 2 of the N.D.P.S. Act which specifies small quantity as 1000 gm and commercial quantity as 20 Kg.

Let this order be communicated to the learned Sessions Judge, Supaul.

(Dinesh Kumar Singh, J)

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