

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38547 of 2016

Arising Out of PS.Case No. -211 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
SAHARSA

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1. Pranav Kumar S/o Gopal Tiwari resident of village Nariyar, P.S. Saharsa,
District Saharsa

.... Petitioner/s

Versus

1. 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. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 17.09.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 47(a)
of the Excise Act.

25 gram ganja is said to have been recovered from the
conscious possession of the petitioner for which petitioner is in jail
custody since 23.7.2016.

Submission on behalf of the petitioner is that nothing was
recovered from the possession of the petitioner and, as a matter of
fact, he has been implicated in this case falsely by the Excise officials.
It is also submitted that recovery of ganja has been made punishable
under Bihar Excise Act, 1915 but, as a matter of fact, NDPS Act has
over-riding effect upon Bihar Excise Act, 1915 and according to
NDPS Act, 1985, recovery of 25 gram ganja comes under the purview
of personal consumption and the said offence has been made bailable.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Misc. Case no. 211/2016.

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(Hemant Kumar Srivastava,J)

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