

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38015 of 2016**

Arising Out of PS.Case No. -50 Year- 2016 Thana -PURANHIA District- SHEOHAR

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1. Maul Mahto Son of Lakshman Mahto, R/o Village- Basantpatti, P.S.-  
Purnahiya, District- Sheohar.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Union of India through D.R.I., Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Ram Sumiran Roy

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      31-08-2016      Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 15.7.2016  
in a case registered for the offences punishable under Sections  
20,22 and 24 of the NDPS Act.

From the possession of the petitioner 78 sachets were  
recovered containing 300 grams ganja.

It is submitted by the learned counsel for the petitioner  
that recovery is of small quantity. Statement has been made in  
paragraph 3 of the petition that the petitioner has no criminal  
antecedent. There is nothing on record to suggest that the  
petitioner was either consuming the same or selling it. It is further  
submitted that there is nothing on record to suggest that the

petitioner was dealing in narcotic drugs and psychotropic substances in contravention of section 12 of the Act, hence no offence under section 24 of the Act is made out and, consequently, the embargo under section 37 of the Act does not apply to the petitioner.

It is submitted by learned APP that the petitioner has confessed that he used to maintain his family by trading ganja.

Considering the small quantity of recovery and Statement made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the above named 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 learned Ist Additional Sessions judge cum Special Judge, Sheohar in connection with Purnahiya P.S. Case No. 50 of 2016.

**(Dinesh Kumar Singh, J)**

Anil/-

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