

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16417 of 2016

Arising Out of PS.Case No. -12 Year- 2015 Thana -SAKARPUR District- DARBHANGA

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1. Dev Narayan Mahto Son of Late Shree Chandra Mahto R/o Village
Rupauli, P.S. Lakhnaur, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Indu Bala Panday(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 18-05-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

45 kilograms Ganja is said to have been recovered

from conscious possession of the petitioner.

Earlier, the prayer for bail of the petitioner was rejected
by this Court vide order dated 03.09.2015 passed in Cr. Misc. No.
37435 of 2015 but again prayer for bail of the petitioner is sought
on the ground that having similar allegation co-accused, Dilip
Mandal, from whose conscious possession 36 kilograms Ganja is
said to have been recovered, has already been granted privilege of
bail by a co-ordinate Bench of this Court vide order dated
18.03.2016 passed in Cr. Misc. No. 58029 of 2015.

No doubt, the aforesaid co-accused has been released

on bail by a co-ordinate Bench of this Court but in my view, it is not a fit case for grant of bail because the Ganja, which is said to have been recovered in this case from the possession of the petitioner, comes under the category of commercial quantity and Section 37(1) (b)(ii) says that no person accused of an offence involving commercial quantity shall be released on bail where the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail. In the present case, there is nothing on the record to believe prima facie that petitioner is not guilty of the offence complained off.

Accordingly, prayer for bail of the petitioner in connection with G.O.Case No. 14 of 2015 (Old)/07 of 2015 (Rectified), arising out of Sakatpur P.S.Case No. 12 of 2015, pending in the court of Special Judge, Darbhanga stands rejected.

(Hemant Kumar Srivastava, J)

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