

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38585 of 2016

Arising Out of PS.Case No. -184 Year- 2016 Thana -BANIAPUR District- SARAN

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Dharmendra Sah Son of late Angad Sah, resident of Village- Puchhari, P.S.
Baniyapur, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 28-11-2016 Heard Sri Mukesh Kumar Singh, learned counsel for the

petitioner and Sri Jagdhar Prasad, learned Additional Public

Prosecutor.

The sole petitioner, who is in custody since 8.7.2016 in
Baniyapur P.S. Case No. 184 of 2016 registered for the offence
under Section 8, 20, 22 of the Narcotic Drugs & Psychotropic
Substances Act corresponding to N.D.P.S. Case No. 02 of 2016
has prayed for grant of bail.

It was submitted by learned counsel for the petitioner that
petitioner has falsely been implicated as per instance of local
Mukhiya regarding election dispute. He submits that of -course in
the F.I.R. it was alleged that Police had got information that
petitioner was indulged in sale of Ganja but while raid was

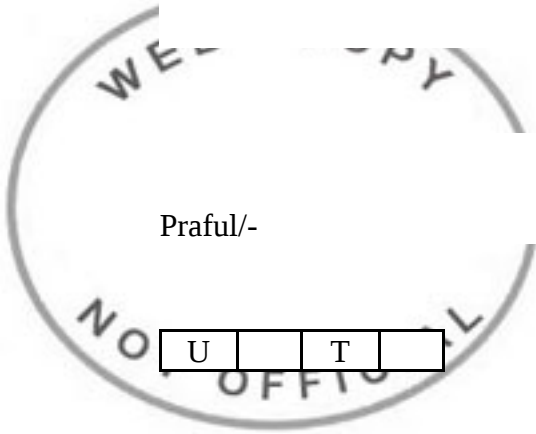


conducted it was shown that one person was fleeing away and the person who was apprehended was the petitioner. He further submits that of- course it has been alleged that Ganja to the tune of 2 Kilogram 100 Gram was recovered from a packet, nothing was recovered to show that petitioner was ever indulged in trafficking or it was kept for sale. It has been argued that recovered quantity of Ganja is much lesser than the commercial quantity and petitioner is having clean antecedent. In sum and substance it has been argued that petitioner may not be treated as an accused of trafficking Ganja.

Learned Additional Public Prosecutor has opposed the prayer .

However, keeping in view the fact that recovered Ganja was much lesser than commercial quantity as well as there is no allegation that petitioner was keeping any weighing machine or Ganja was raped in number of Puriya and recovered Ganja was kept for sale and the fact that petitioner is having clean antecedent and there is no possibility that petitioner may repeat the same offence , let the petitioner Dharmendra Sah be enlarged on bail on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge (Special Judge , N.D.P.S.) Saran, Chapra

in connection with Baniapur P.S. Case No. 184 of 2016.



(Rakesh Kumar, J)