

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12131 of 2017

Arising Out of PS.Case No. -93 Year- 2016 Thana -UDWANTNAGAR District- BHOJPUR

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Wasim @ Chhotu, Son of Md. Badruddin, Resident of Village- Garahani,
Police Station- Charpokhari, District- Bhojpur at Ara.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachin Kumar

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 18-10-2017

Heard learned counsels for the petitioner and

learned APP for the State.

The petitioner has renewed his prayer for bail
in a case registered for the offences punishable under Sections
20(b) (ii) (c) and 22(c) of NDPS Act.

The prosecution case is that on receiving
information that Ganja is being transported through Alto and
Bolero vehicles, the informant being SHO of Udwant Nagar
Police Station intercepted an Alto vehicle bearing Registration No.
P-64P/1875 when two persons started fleeing away after getting
down from the said Alto vehicle, but they were apprehended on
chase, who disclosed their names as Wasim @ Chhotu (petitioner)
and co-accused Suhail. They also disclosed that one Bolero



vehicle is coming which is also loaded with Ganja. In the meantime, the Bolero vehicle also reached there, which was being driven by one Sonu Kumar. From the Alto vehicle five packets of Ganja, each weighing 950 gms. each, were recovered, total weighing 4.750 kgs. whereas from the Bolero vehicle 28 packets each weighing 950 gms, and two packets each containing 500 gms of Ganja were recovered. Hence, altogether 32.350 kgs. of Ganja were recovered from the two vehicles. Apart from the same, mobile phones with dual SIM were also recovered from the accused persons.

It is submitted by learned counsel for the petitioner that the Alto vehicle in which the petitioner was traveling only 4.750 kgs. Ganja was recovered which is between small and commercial quantity. A statement has been made in paragraph 3 of the petition that the petitioner is having no criminal antecedent.

The report of learned 6th Additional Sessions Judge, Bhojpur at Ara dated 22.09.2017 at Flag 'B' reflects that no witness has been examined till date and there is no likelihood of trial being concluded in nine months.

Mr. J.N. Thakur, learned APP does not controvert this fact that the recovery made from the petitioner and



one Suhail is between small and commercial quantity.

Considering the quantity of recovery, statement being made in paragraph 3 of the petition that the petitioner is having no criminal antecedent and there is no likelihood of trial being concluded in near future, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge, Bhojpur at Ara in connection with NDPS Case No. 02 of 2016 arising out of Udwant Nagar P.S. Case No. 93 of 2016.

The learned trial Court will be at liberty to cancel the bail bonds of the petitioner in two eventualities i.e. if he defaults for three consecutive occasions during trial or substantially gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

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