

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52390 of 2017

Arising Out of PS.Case No. -502 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Sachin Kumar S/o Rama Yadav, R/o Village- Naya Tola, Jorabganj, P.S.-
Kodho, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 62 of 2017, arising out of Motihari Town P.S.
Case No. 502 of 2017 dated 20.02.2017 instituted for the offences
under Sections 411/34 of the Indian Penal Code and Sections 22,
23, 24, 25 of the Narcotic Drugs & Psychotropic Substances Act,
1985.

The petitioner and one Aman Gowala were
arrested on suspicion and from the possession of the petitioner,
one mobile telephone, one packet of irritant power, one Honda
motorcycle and cash of rupees ten thousands were recovered.
From the possession of co-accused Aman Gowala, though nothing
was recovered but on his confession, the house of one Batut Ram



was raided. In the aforesaid house, the room which was taken on rent by the petitioner and co-accused Aman Gowala, five hundred grams of *Charas* was recovered. On the indication of co-accused Aman Gowala, another house was also raided where one kilogram of Ganja was recovered.

Learned counsel for the petitioner has submitted that so far as the petitioner is concerned, mobile telephone and cash belongs to him and there is no complaint whatsoever with respect to the theft of the motorcycle, of which he was found to be in possession of. In the rented house of Batut Ram, though petitioner can be said to be in constructive possession of the narcotics, but it has been argued that from the F.I.R or the seizure list, it is not clear that the recovered narcotics belonged to the petitioner or the co-accused Aman Gowala. It has also been submitted that whatever was the recovery from the rented room, it does not fall in the category of commercial quantity as the commercial quantity for *Charas* is one kilogram.

The petitioner has clean antecedents and he is in custody since 20.07.2017.

Taking into account the aforesaid facts, this Court is inclined to grant bail to the petitioner.

The petitioner, above named is directed to be



released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned District Judge-cum-Special Judge, East Champaran at Motihari in connection with N.D.P.S. Case No. 62 of 2017, arising out of Motihari Town P.S. Case No. 502 of 2017.

(Ashutosh Kumar, J)

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