

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21468 of 2018

Arising Out of PS.Case No. -1068 Year- 2017 Thana -AHIAPUR District- MUZAFFARPUR

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Kishlay Singh Son of late Manoj Kumar Singh, Resident of Mohalla-Bajrang Vihar Colony Kolhua, P.S.-Ahiyapur, District-Muzaffarpur.

.... Petitioner/s

Versus

1. The Union of India Through Assistant Commissioner, Narcotics, Patna.
2. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bela Singh
For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh
For UOI : Mr. Manoj Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 03-07-2018 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Ahiyapur PS case no. 1068 of 2017 instituted for the offences punishable under Sections 399, 402 of Indian Penal Code, sections 25(1-b)a, 26(ii), 35 of Arms Act and section 8, 20(b)(ii)(B) of N.D.P.S. Act, 1985.

The allegation is regarding the police party having apprehended the accused persons and as far as the petitioner is concerned, 10 kg of *ganja*, one countrymade pistol and three live cartridges have been recovered by the police.



The learned counsel for the petitioner submits that as far as the recovered quantity of *ganja* is concerned, it does not come under the category of commercial quantity in terms of Appendix to the N.D.P.S. Act, 1985. It is further submitted that the petitioner is ready to deposit a cash of Rs. 2 lacs by way of a bond for the purposes of maintaining peace and tranquility.

Per contra, the learned counsel for the Union of India has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case specially in view of the bad antecedent of the petitioner, though I am inclined to direct for release of the petitioner on regular bail but the same shall be subject to deposit of Rs. 2 lacs as cash security as well as subject to such other conditions as may be deemed fit to be imposed by the court of Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Ahiyapur PS case no. 1068 of 2017.

(Mohit Kumar Shah, J)

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