

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44786 of 2018

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Hira Yadav @ Hiralal Yadav S/o Girdhari Yadav, R/o Vill.- Kahudag, P.S.-
Barachatti, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks modification of the order dated 11.07.2018 passed in Cr. Misc. No. 40882 of 2018 stating therein that small quantity of Ganja i.e. 500 grams were recovered from the possession of one Rajesh Jatav who had named the petitioner from whom he had bought the said contraband item. He submits that the petitioner was not apprehended by the police carrying such contraband item. He submits that in view of Section 22 of the N.D.P.S. Act clause- (a) when contravention involves small quantity then the period of imprisonment is for maximum of six months or with fine. The seizure of 500 grams of Ganja alleged to have been sold by the petitioner is small quantity as per the Schedule of the N.D.P.S. Act.



He submits that the petitioner is languishing in judicial custody since 22.05.2018 and by the earlier order petitioner has been directed to be released after completion of six months in custody.

Considering the facts that the petitioner was not apprehended along with the contraband item and the apprehended co-accused has named the petitioner, let the said line “after completion of six months in custody” be deleted.

The order dated 11.07.2018 passed in Cr. Misc. No. 40882 of 2018 is modified to the extent indicated above.

(Nilu Agrawal, J)

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