

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16252 of 2019

Arising Out of PS. Case No.-54 Year-2018 Thana- INARWA District- West Champaran

Sheoshankar Ram, Son of Late Thakur Ram, Resident of Village - Jhakari,
P.S.- Inarwa, Distt.- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
15.09.2018 in a case registered for the offences punishable
under Sections 21, 22, 23 and 24 of the NDPS Act.

It is alleged that after having received a secret
information that the petitioner is selling ganja from his house, a
raid was laid on the petitioner's house and 1.5 kg of ganja was
recovered.

It is submitted by learned counsel for the petitioner
that the recovery is in between small and commercial quantity
and a statement has been made in paragraph 3 of the petition
that the petitioner is not having any criminal antecedent.
Though, the case is registered under Section 24 of the NDPS
Act but the embargo under Section 37 of the NDPS Act does not



apply as from the narration of the accusation, it does not appear that any offence under Section 24 of the NDPS Act is made out.

Learned APP submits that the recovery has been made from the house of the petitioner.

Considering the period under custody, recovery in between small and commercial quantity, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, and the fact that the offence under Section 24 of the NDPS Act is only made out, if any person obtains any narcotic drugs and psychotropic substances outside the India and supply to any person outside the India but the accusation does not suggest as such, hence, the embargo under Section 37 of the NDPS Act, prima faice, does not appear to be applied in the present case, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, West Champaran at Bettiah in connection with Inarwa P.S. Case No. 54 of 2018.

(Dinesh Kumar Singh, J)

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