

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18654 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- RAXAUL District- East Champaran

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1. ASHOK GUPTA @ ASHOK KUMAR GUPTA AND ANR Son of Sikandar Sah Resident of Village-Sugaha Bhawanipur, P.O.- Sikta, P.S.- Kangali, District - West Champaran
 2. Rajendar Sah @ Rajendra SAh Son of Late Ramnath Sah Resident of Village-Harawa (Harsawa), P.O.- Pokhariya, District - Parsa (Nepal)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Bablu Kumar 47th Bn SSB, Pantoka, Raxaul, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar Sharan
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-04-2019 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with N.D.P.S. Case No. 5 of 2019 arising out of Raxaul P.S. Case No. 9 of 2019, registered for the offence punishable under Sections 20, 22, 23 and 24 of the N.D.P.S. Act.

The allegation is regarding recovery of 1.5 kg. of ganja from a sack stated to be that of the petitioners.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and the fact is that the said ganja which has been



recovered, does not belong to the petitioners. It is submitted that the quantity of ganja recovered from the petitioners is less than the commercial quantity as described in the Schedule to the N.D.P.S Act, 1995 and near to the 'small quantity' defined in the said schedule, hence, benefit of doubt is required to be given to the petitioners herein. The petitioners are stated to be languishing in custody since 12.01.2019.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Session Judge/ Special Judge Motihari, East Champaran in connection with NDPS Case No. 5 of 2019 arising out of Raxaul P.S. Case No. 9 of 2019.

(Mohit Kumar Shah, J)

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