

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30176 of 2019

Arising Out of PS. Case No.-70 Year-2018 Thana- JURAWANPUR District- Vaishali

ASHOK MAHTO Son of Shital Mahto Resident of Village - Chainpura @
Chandpura, P.S.- Raghopur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 20-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 8 and 20 of the N.D.P.S. Act.

The prosecution case in short is that 6.238 kg ganja
has been recovered in this case.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 30.8.2018 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been
submitted in the present case. The petitioner has been made
accused due to mistake of fact. 6.238 kg ganja is alleged to have
been recovered. The same is below the commercial quantity.
Hence, Section 37 of the N.D.P.S. Act is not applicable in the



present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajipur in connection with Jurawanpur P.S. Case No. 70/2018.

(Sudhir Singh, J)

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