

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53427 of 2019

Arising Out of PS. Case No.-63 Year-2019 Thana- BHITAHA District- West Champaran

Suresh Yadav, Son of Bishwanath Yadav Resident of Village - Rupahi Tand,
P.S.- Bhitaha, Distt - West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Union of India through narcotics Control Bureau, through its Zonal Director, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-11-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner seeks regular bail in connection with N.D.P.S.
Case No.23 of 2019 (arising out of Bhitaha P.S. Case No.63 of
2019, for the offence punishable under Sections 20(b), 11(B) of
Narcotics Drugs and Psychotropic Substance Act, 1985.

The allegation against the petitioner as per the First
Information Report is that the house of the petitioner was searched
by the police and the police recovered a total quantity of 4.700
kilogram *Ganja* in a plastic bag and also weighting scale were
recovered from the house of the petitioner.

Mr. Bimlesh Kumar Pandey, learned counsel for the
petitioner submits that the petitioner is in custody since 27.06.2019.
Learned counsel for the petitioner further submits that the seizure



list was not prepared at the place of occurrence in accordance with the provisions of the NDPS Act. Learned counsel further submits that the quantity of alleged recovery from the possession of the petitioner does not come under the commercial quantity as per the schedule prepared under Section 2 of the Act under which commercial quantity is defined as 20 kilogram and admittedly 4.700 kilogram of *Ganja* has been recovered from the possession of the petitioner.

Having heard learned counsel for the parties and taking into consideration the fact that petitioner is in custody since 27.06.2019 and the alleged *Ganja* which has been recovered from the possession of the petitioner is less than commercial quantity, I am inclined to grant regular bail to the petitioner. Accordingly, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 30,000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bettiah, West Champaran, in connection with N.D.P.S. Case No.23 of 2019 (arising out of Bhitaha P.S. Case No.63 of 2019).

(Anil Kumar Sinha, J)

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