

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62212 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- JOGBANI District- Araria

SUBHASH BISTA @ SUBASH BISTA Son of Tanka Prasad Bista @ Tilak Bahadur Sarki Resident of Village - Dharan, Ward No.-15, P.S.- Dharan, District- Sunsari, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-11-2019 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 20, 22, 23 and 24 of the N.D.P.S. Act.

The prosecution case in short is that 7 kg ganja has been recovered in this case.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.1.2019 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. 7 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- Special Judge, N.D.P.S. Act, Araria in connection with Special Case No. 3/19 arising out of Jogbani P.S. Case No. 28/19.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

