

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.63336 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- ADAPUR District- East Champaran

MANOJ PRASAD KUSHWAHA, Son of Jagdish Prasad Kushwaha,
Resident of Village-Itahai, P.S-Kalaiya, District-Bara, Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 26-11-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with N.D.P.S.
Case No. 19 of 2019, arising out of Adapur Police Station Case
No. 36 of 2019, registered for the offence punishable under
Sections 21 (b), 23 (B) and 8 (c) of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

The prosecution story, as per the First Information
Report, is that when the petitioner was searched by the S.S.B.,
in presence of a Gazetted Officer, 193 gms. of morphine was
recovered from the body of the petitioner. It has further been
stated that upon enquiry, the petitioner informed that the
narcotic drugs was given to him by co-accused Deoraj Mahto @



Koiri.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and the alleged narcotic drugs was given to him by co-accused Deoraj Mahto, who has been granted bail by this Court by order, dated 20.05.2019, passed in Criminal Misc. No. 33162 of 2019. He further submits that the quantity of narcotic drug, recovered from the possession of the petitioner, is not a commercial quantity.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner has got no criminal antecedent, the quantity of morphine recovered from the possession of the petitioner is not commercial quantity and co-accused has been granted bail by this Court, I am inclined to enlarge the petitioner on bail.

This application is, accordingly, allowed.

Let the petitioner, Manoj Prasad Kushwaha, be released on bail on furnishing bail bond of Rs. 50,000/- (fifty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, N.D.P.S. Act, East Champaran, at Motihari, in connection with N.D.P.S. Case No. 19 of 2019, arising out of



Adapur Police Station Case No. 36 of 2019.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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