

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19495 of 2020**

Arising Out of PS. Case No.-521 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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GANESH CHAURASIYA @ GANESH CHAURASIA Son of Late Sakaldeo
Bhagat Resident of Village-Sareya (Ward No.3), P.O, P.S. and District-
Gopalganj. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 18-09-2020 The present petition has been taken up for

consideration through the mode of Video Conferencing in view

of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and

Sri Damodar Prasad Tiwary, the learned APP for the State.

The petitioner seeks regular bail in connection

with Gopalganj PS case no. 521 of 2019 instituted for the

offences punishable under Sections 8(c)/21(a) of N.D.P.S. Act,

1985 r/w 25(1-b)(a), 26, 35 of Arms Act.

The police force is stated to have intercepted a

Bullet motorcycle, on which three miscreants were sitting,

whereafter the said three miscreants were apprehended by the

police and as far as the petitioner is concerned, one loaded

countrymade pistol, some live cartridges, one magazine and

5.90 gms of Smack (Heroine) was recovered.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a fair antecedent, inasmuch as he is an accused in only one other case. The petitioner is said to be languishing in custody since 13.10.2019.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the period of incarceration of the petitioner herein as also the fact that the quantity of Heroine seized by the police i.e. 5.90 gms. is much less than the commercial quantity i.e. 250 gms., as defined in the Schedule to the N.D.P.S. Act, 1985, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge I-cum-Special Judge, NDPS, Gopalganj in connection with Gopalganj Town PS case no. 521 of 2019.

(Mohit Kumar Shah, J)

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