

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18377 of 2020**

Arising Out of PS. Case No.-1408 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

SANJEEV KUMAR S/o Daroga Sahni Resident of Village- Sahbajpur, Old  
Zero mile, P.S.- Ahiyapur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                         |
|----------------------------|-------------------------|
| For the Petitioner/s :     | Mr.Sanjay Kumar @ S.K.  |
| For the Opposite Party/s : | Mrs. Anita Kumari Singh |
|                            | Mr.Shyam Kumar Singh    |

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

2      05-06-2020      The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Sanjay Kumar, the learned counsel appearing for the petitioner and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 1408 of 2019 for the offence punishable under Sections 20 and 22 of the N.D.P.S. Act.

The case of the prosecution in brief is that while the informant, who is an ASI of Ahiyapur Police Station, was on



patrolling duty, he saw some miscreants standing in suspicious condition whereafter the accused persons including the petitioner herein were apprehended and as far as the petitioner is concerned, 100 gram *charas* was seized from his possession.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the petitioner is languishing in custody since 30.11.2019. Lastly, it is submitted that as per the table appended to the N.D.P.S. Act, 1985, the small quantity of *charas* defined therein is 100 gram and the commercial quantity has been defined as 1 kg., hence there is no impediment in grant of regular bail to the petitioner herein.

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 made by the learned counsel for the petitioner as also taking into account the fact that small quantity of *charas* has been recovered from the petitioner and the petitioner is having a clean antecedent and is also



languishing in custody since more than six months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1408 of 2019.

**(Mohit Kumar Shah, J)**

S.Sb/-

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