

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18323 of 2020**

Arising Out of PS. Case No.-1455 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

MD. NISAR S/o Aziz Quraishi @ Md. Aziz @ Abdul Ajij Resident of
Village- Sabha Madhya @ Sabha, P.S.- Sakra, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Yugal Kishore
For the Opposite Party/s :	Mrs. Anita Kumari Singh
	Mr.Anil Kumar

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

2 04-06-2020 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 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 N.D.P.S. Case No. 47 of 2019 arising out of Ahiyapur P.S. Case No. 1455 of 2019 for the offence punishable under Sections 414/34 of the Indian Penal Code and Sections 20 & 22 of the N.D.P.S. Act.

The Police on a tip off is alleged to have raided the spot



in question from where the petitioner and one Saurav Raj were apprehended and upon search, as far as the petitioner is concerned, 400 grams of *charas* was recovered, apart from one mobile phone.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 16.12.2019. It is further submitted that the commercial quantity, defined in the table to the N.D.P.S. Act, 1985 is 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 and taking into account the fact that the amount of *Charas* recovered from the petitioner i.e. 400 gram is much less than the commercial quantity prescribed in the table to the N.D.P.S. Act, 1985, which is one kg, 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-cum-Special Judge, Muzaffarpur in connection with N.D.P.S. Case No. 47 of 2019 arising out of Ahiyapur P.S. Case No. 1455 of 2019.

(Mohit Kumar Shah, J)

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