

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26371 of 2020

Arising Out of PS. Case No.-212 Year-2019 Thana- HARLAKHI District- Madhubani

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DHANESHWAR SAH Son of Late Bhadai Sah Resident of Village - Phulhar,
P.S.- Harlakhi, District - Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.

For the Opposite Party/s : Mr.Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-12-2020 Heard the learned counsel for the petitioner and Sri Choubey Jawahar, the learned APP for the State.

The petitioner seeks regular bail in connection with G.R.No. 25 of 2019 (NDPS 25(19) arising out of Harlakhi P.S. Case No. 212 of 2019, registered for the offence punishable under Sections 20/22 of the NDPS Act.

The allegation is regarding the police having raided the fruit shop of the petitioner and upon search, 1.5 kg. of ganja was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has



been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 13.10.2019. It is further submitted that the commercial quantity prescribed in the Schedule to the NDPS Act, 1985 is 20 kg. and the ganja recovered from the fruit shop of the petitioner is much less than the same, hence, the petitioner can be granted the privilege of bail.

Per contra, the learned APP 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 a little more than the small quantity of ganja, as prescribed in the Schedule to the NDPS Act 1985, has been recovered from the petitioner and moreover, the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail



bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IX, Madhubani / Incharge Successor Court in connection with G.R.No. 25 of 2019 (N.D.P.S. 25/19) arising out of Harlakhi P.S.Case No. 212 of 2019.

(Mohit Kumar Shah, J)

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