

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26383 of 2020**

Arising Out of PS. Case No.-35 Year-2020 Thana- HATHAURI District- Samastipur

ASHOK KUMAR ROY @ ASHOK KUMAR Son of Late Pramod Roy  
Resident of Village Banda, P.S. Hathauri (O.P. Shibaji Nagar), District  
Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Humayu Ahmad Khan, APP

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

2      15-10-2020                      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, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Humayu Ahmad Khan, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Hathauri (Shibaji Nagar O.P.) P.S. Case No. 35 of 2020 for the offence punishable under Sections 20(b)(ii)A, 22 of the N.D.P.S. Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 606.915 litres of illicit liquor and 1.750 Kg. of Ganja from the husk shed



of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 08.03.2020. It is further submitted that the petitioner had gone out along with his family members for attending some function and in his absence, his brother might have stocked the illicit liquor and ganja, resulting in the petitioner having been falsely implicated in the present case.

The learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the period of incarceration of the petitioner and the fact that he is having a clean antecedent apart from the fact that as far as the quantity of ganja is concerned, the same is much less than the commercial quantity, as defined in the schedule to the N.D.P.S. Act, 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 regular bail on furnishing bail-bonds of Rs.  
10,000/- with two sureties of the like amount each to the  
satisfaction of learned Sessions Judge-cum- Special Judge,  
Samastipur in connection with Hathouri (Shibaji Nagar O.P.)  
P.S. Case No. 35 of 2020.

**(Mohit Kumar Shah, J)**

Tiwary/-

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