

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2707 of 2020

Arising Out of PS. Case No.-277 Year-2019 Thana- SURSAND District- Sitamarhi

SANTOSH KUMAR YADAV Son of Ramji Rai Resident of Village- Ankar
(Jaleswar), P.O.- Jaleshwar, P.S.- Jaleshwar, Distt- Mohatari (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranvijay Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Sursand P.S. Case No. 277 of 2019, registered for the offence
punishable under Sections 20(b)(11)(B) of the NDPS Act.

The allegation is regarding recovery of 11.100 kg.
Ganja from a motorcycle which was being driven by the co-
accused person, namely, Sushil Kumar Mandal and the
petitioner is stated to be sitting on the back of the motorcycle.

The learned counsel for the petitioner has submitted that
the petitioner has been falsely implicated in the present case.
It is further submitted that the petitioner is having a clean



antecedent and he is languishing in custody since 31.7.2019. It is further submitted that the petitioner has got nothing to do with the alleged recovery of illicit ganja inasmuch as he was the pillion rider on the said motorcycle, which belongs to the co-accused person, namely, Sushil Kumar Mandal and the recovery has been made from the said motorcycle. Lastly, it is submitted that as per the Schedule to the N.D.P.S. Act, 1985, the commercial quantity mentioned therein as far as ganja is concerned, is 20 kg. and the recovered quantity of ganja is much less than the same, hence, there is no impediment in grant of regular bail to the petitioner herein.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that the petitioner is having a clean antecedent and as per the schedule to the N.D.P.S. Act, 1985, the quantity of ganja recovered from the co-accused person is much below the commercial quantity, 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 1st A.D.J./Special Judge N.D.P.S. Act,
Sitamarhi in connection with Sursand P.S. Case No. 277 of
2019.

(Mohit Kumar Shah, J)

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