

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29674 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- ATHMALGOLA District- Patna

JITENDRA KUMAR S/o- Late Nagina Prasad Yadav Resident of Village -
Mohammadpur, P.S. - Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahasweta Chatterjee

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Athmalgola PS case no. 222 of 2020 instituted for the offences
punishable under Sections 8(c)/20(b)(ii)B/22, 27(A) of N.D.P.S. Act.

The allegation is regarding recovery of 02 kg ganja
from a vehicle and the petitioner is stated to be one of the passenger
of the said vehicle.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and is languishing in
custody since 14.09.2020. The learned counsel for the petitioner has
further submitted that the quantity of ganja seized from the vehicle is
not a commercial quantity as per the notification issued under the
N.D.P.S. Act, 1985 and moreover, the driver of the vehicle has



already been granted bail by a co-ordinate Bench of this Court vide order dated 27.07.2021, passed in Cr. Misc. no. 11969 of 2021.

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 parties and taking into account the materials available on record as also considering the fact that quantity of ganja recovered from the vehicle is much below the commercial quantity specified in the notification issued under the N.D.P.S. Act, 1985, apart from taking into account the parity of the case of the petitioner with that of the co-accused person who has already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional District & Sessions Juddge XIII, Patna in connection with Athmalgola PS case no. 222 of 2020.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

