

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29658 of 2021**

Arising Out of PS. Case No.-181 Year-2020 Thana- KASBA District- Purnia

Binod Kumar Mali @ Vinod Mali @ Vinod Kumar Mali Son of Bhalchand  
Mali Resident of Village - Fulwaria, P.S.- Kasba, Dist.- Purnia.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kamlesh Kumar Pathak

For the Opposite Party/s : Mr. APP

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

2      09-12-2021

Heard.

The petitioner seeks regular bail in connection with Kasba  
P.S. Case No. 71819 of 2020 for the offence punishable under Sections 8,  
21 and 22(B) of the Narcotic Drugs and Psychotropic Substances Act,  
1985.

The allegation is regarding recovery of 105 grams of  
brown sugar from the possession of the petitioner after he was arrested and  
search was made by the police.

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 25.12.2020.  
It is further submitted that as per the notification issued under the NDPS  
Act, 1985, the commercial quantity of brown sugar (heroin) has been  
defined to be 250 grams, thus it is apparent that the quantity of brown  
sugar, recovered from the petitioner, is less than the commercial quantity,  
hence there is no bar for this Court to grant the privilege of bail to the  
petitioner. In any case it is submitted that the co-accused person has



already been directed by a co-ordinate Bench of this Court vide order dated 13.8.2020 passed in Cr. Misc. No. 30185 of 2021 to be released on bail once charge is framed and the trial commences. It is submitted that the charges have already been framed against the petitioner and the aforesaid co-accused person and the said co-accused person namely Gautam Sah has already been granted bail by the learned court below

Per contra, the learned APP appearing for the State 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 materials available on record as also considering the fact that less than commercial quantity of brown sugar (heroin) has been recovered from the petitioner, 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 Special Judge, N.D.P.S. Act, Purnea in connection with Kasba P.S. Case No. 181 of 2020.

**(Mohit Kumar Shah, J)**

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