

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31034 of 2021

Arising Out of PS. Case No.-116 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

VIJAY KUMAR @ BIJAY KUMAR S/O SRI SHIV SHANKAR SINGH R/O
VILLAGE-EAKARA, P.S.-HAJIPUR SADAR, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2021 Heard the learned counsel for the petitioner and Sri
Mukeshwar Dayal, the learned APP for the State.

The petitioner seeks regular bail in connection with Hajipur Sadar PS case no. 116 of 2021 instituted for the offences punishable under Sections 8, 20(b)(ii)(B), 25, 29 of N.D.P.S. Act.

The allegation is regarding recovery of 3.7 kg. of ganja wrapped in a plastic bag from beneath the bed lying in the room of the house of the petitioner.

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 08.02.2021. The learned counsel for the petitioner has further submitted that the quantity of *ganja* recovered from the room in question is much less than the



commercial quantity defined in the notification issued under the N.D.P.S. Act, 1985, hence there is no impediment in release of the petitioner on bail.

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 the fact that the quantity of *ganja* recovered from the room in question is less than the commercial quantity defined in the notification issued under the N.D.P.S. Act, 1985 and moreover, the petitioner is stated to be languishing in custody since a long time, 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 Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar PS case no. 116 of 2021.

(Mohit Kumar Shah, J)

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