

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35016 of 2020

Arising Out of PS. Case No.-218 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Sunil Kumar, aged about 19 years, Male, Son of Raghunath Mahto, Resident
of Village- Serukahi, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Malay Kumar Choudhary, Advocate
For the State : Mr.Parmanand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-01-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kanti P.S.
Case No. 218 of 2020 registered for the offences punishable
under Sections 413, 414 of the Indian Penal Code and Sections
8, 20(b)(ii)(c), 22(c) of Narcotic Drugs and Psychotropic
Substance Act.

The prosecution story in brief is that one Kundan
Kumar, Inspector of Police cum Officer Incharge of Kanti
Police Station lodged written report addressed to the learned
District and Sessions Judge, Muzaffarpur dated 15.04.2020
stating therein that on 15.04.2020 at about 13.20 hours, he along
with other police personnel were on patrolling duty. At about



14.20 hours, when they reached near village Tarma from Muzaffarpur four-lane they received confidential information that the accused persons of Kanti P.S. Case No.210 of 2020 and 130 of 2020 are going on from two motorcycles and from Kanti, they were going to Muzaffarur side. In course of search from the lap of Anil Kumar, a plastic Jhola in which in polithine bags was seized and from the handle of motorcycle of Mukesh Kumar @ Mukku red colour plastic Jhola concealing Ganja in polithine was recovered. On electronic weighing machine, the seized Ganja was weighed which was found 1 kg/1kg and the accused persons failed to produce any valid paper for the alleged Ganja and of seized motorcycle nor gave any satisfactory reply. From the seized Ganja 25 grams each i.e. 100 grams were taken out for sampling and the rest seized articles were properly seized and the seized ganja and both motorcycle were seized and the seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has falsely been implicated in the present case. No contraband article was recovered from the possession of the petitioner. He further submits that the commercial quantity of ganja, as defined in the schedule to the N.D.P.S. Act, 1985 is 20 kg. He further submits that similarly



situated co-accused has been granted bail by this Co-ordinate Bench of this Court vide order dated 12.01.2021 passed in Cr. Misc. No.35425 of 2020.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge cum Special Judge, NDPS Act, Muzaffarpur in connection with Kanti P.S. Case No. 218 of 2020.

(Anjani Kumar Sharan, J)

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