

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35425 of 2020

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

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ANIL KUMAR Son of Late Ramesh 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

For the Opposite Party/s : Mr.Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-01-2021 Heard the learned counsel for the petitioner and Sri
Ashok Kumar, the learned APP for the State.

The petitioners seek regular bail in connection with
Kanti PS case no. 218 of 2020 instituted for the offences punishable
under Sections 413, 414 of Indian Penal Code and 8, 20(b)(ii)(c),
22(c) of N.D.P.S. Act, 1985.

The allegation is regarding the petitioner and other
co-accused persons having been intercepted by the police and upon
search, 1 kg each of contraband *ganja* was recovered from the
petitioner and the other accused person.

The learned counsel for the petitioner has submitted
that the petitioner is innocent and has been falsely implicated in the
present case. It is further submitted that only because the petitioner is
an accused in two other cases, he has been falsely implicated in the
present case. It is further submitted that the commercial quantity of
ganja, as defined in the schedule to the N.D.P.S. Act, 1985 is 20 kg



and small quantity has been defined as 1 kg, hence benefit of doubt may be granted for the purposes of grant of regular bail. The petitioner is stated to be languishing in custody since 16.04.2020.

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, this Court finds that small quantity of *ganja*, has been alleged to have been recovered from the possession of the petitioner, hence I deem it fit & appropriate to grant the privilege of bail to the petitioner herein. 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 4th Additional Sessions Judge-cum-Special Judge, N.D.P.S. Act, Muzaffarpur in connection with Kanti PS case no. 218 of 2020.

(Mohit Kumar Shah, J)

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