

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37317 of 2020

Arising Out of PS. Case No.-24 Year-2020 Thana- DIGHA District- Patna

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AMIT RAI @ AMIT KUMAR son of late Vinay Rai Resident of Gate No. 90
Makhdumpur, P.S.- Digha, District- Patna.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Sanjeev Ranjan, Advocate.
For the State : Mr. Md. Nazir Ansari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 02-07-2021 As prayed for, through Video Conferencing, let the

learned counsel for the petitioner remove the defect(s), as
pointed out by the office vide its notes dated 19.12.2020, within
four weeks of starting of the Court proceeding in physical mode
in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection
with Special (NDPS) Case No.11 of 2020, arising out of Digha
P.S. Case No.24 of 2020, registered under Sections 20 and 22 of
the Narcotic Drugs and Psychotropic Substance Act.

The accusation is that on receiving the secret
informant about selling the narcotic substance near Gate No.91



Makhdumpur by Sonu Kumar, the informant along with other police personnel reached there. On seeing the police vehicle, one person, who was carrying the bag in his hand, started to flee away but, on chase, he was apprehended, who disclosed his name as Sonu Kumar. On search of the bag, 62 purias containing Ganja in the weight of 144 Grams were recovered. On query, Sonu Kumar disclosed that Amit Rai (petitioner) has engaged him to sell the Ganja on payment of Rs.10,000/- per month.

Learned counsel for the petitioner submits that the petitioner was not apprehended on the spot rather his name has come in the confessional statement of Sonu Kumar, who was apprehended by the police with the seized Ganja. Further submission is that the seized Ganja will come under the category of small quantity, for which the punishment is upto one year with fine of Rs.10,000/- and according to the provision of Code of Criminal Procedure, the offence is bailable in nature. Further submission is that while the petitioner is accused in two other cases of similar nature, as detailed in paragraph-3 to this application, but in both the cases, he has been made accused on the basis of the confessional statement of the co-accused.

Having considered the facts and the circumstances of



the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge/Special Judge, NDPS Act, Patna, in connection with Special (NDPS) Case No.11 of 2020, arising out of Digha P.S. Case No.24 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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