

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22288 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- KANHauli District- Sitamarhi

=====

Dharmendra Kumar Son of Indal Das Resident of Village - Ramnagara
Rasalpur, Ward No. 12, P.S. - Kanhauli, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kr No.2, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-09-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kanhauli P.S. Case No. 36 of 2022 lodged under Sections
8/20(B) (ii) (A) of the N.D.P.S. Act.

As per the prosecution case, the total recovery of 4kg
400 gram ganja was recovered from the possession of the
petitioner which is an N.D.P.S. material.

Learned counsel for the petitioner submits that the
said recovered material is much below than the commercial
quantity which is 25 kg. He further submits that the present case
does not come within the category of Section 37 of the N.D.P.S.

Act. He submits that the antecedent of the petitioner is clean and he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. He further submits that petitioner is in custody since 08.03.2022, charge sheet has already been filed in this case. On the query that whether the charge has been framed or not, learned counsel for the petitioner is not in a position to answer this question.

Learned counsel for the State opposes the prayer for bail and submits that petitioner is the sole accused in the present case and it is necessary that his charge may be framed at the earliest otherwise there is a chance of absconding.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present but he may renew his bail after framing of charge in this case.

The trial court is directed to release him on bail after framing of charge on his own conditions so that he shall continue his appearance during trial.

(Dr. Anshuman, J)

sadique/-

U		T	
---	--	---	--