

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38949 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- BAJPATTI District- Sitamarhi

RAM ISHWAR RAI S/o Late Yogendra Rai Resident of Village- Pathrahi
Ward No. -12, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Ms Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The learned counsel for the petitioner has, at the outset, submitted that on account of typographical error the date from which the petitioner is languishing in custody, has been wrongly mentioned as 14.08.2019 instead of 24.03.2021.

Accordingly, it is directed that the date from which the petitioner is languishing in custody shall be read as 24.03.2021.

The petitioner seeks regular bail in connection with Bajpatti P.S. Case No. 72 of 2021 for the offence registered under Sections 8, 20(b) (ii) B of the NDPS Act.

The allegation is regarding recovery of 4 kg. Ganja from 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 he is languishing in custody since 24.03.2021. The learned counsel for the petitioner has further submitted that the quantity of Ganja recovered from the house of the petitioner is much less than the commercial quantity defined in the Schedule notified under the NDPS Act, 1985, which is stated to be 20 kgs. It is next submitted that the house in question belongs to the petitioner and his family members and they are in joint possession of the same.

Per contra, the learned counsel 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 petitioner and taking into account the materials available on record as also considering the fact that the quantity of Ganja recovered from the house of the petitioner is much less than the commercial quantity defined in the Schedule notified under the NDPS Act, 1985 apart from the the fact that the petitioner is having a clean antecedent and is languishing in custody since a long time, I deem it fit and proper to direct for release of the



petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Sitamarhi in connection with Bajpatti P.S. Case No. 72 of 2021.

(Mohit Kumar Shah, J)

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