

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38942 of 2021

Arising Out of PS. Case No.-286 Year-2021 Thana- DANAPUR District- Patna

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MUKESH KUMAR SINGH Son of Bhim Singh Resident of Village-
Brhampur, P.S.- Azimabad, District- Bhojpur. Petitioner/s
Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.
: Md. Ataul Haque, Adv.
For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Satyendra Prasad, the learned APP for the State.

The petitioner seeks regular bail in connection with Danapur PS case no. 286 of 2021 instituted for the offences punishable under Sections 8, 20, 21(b) of N.D.P.S. Act, 1985.

The allegation is regarding the police having received confidential information that two persons were in possession of brown sugar and were travelling on two motorcycles and they were about to reach Saguna More via Gola road and Ranjan Path, whereafter the police party had laid an ambush and the said two persons were arrested. Out of the arrested persons, one of them



is the petitioner herein and upon search, 68 grams of brown sugar is stated to have been recovered from his possession.

The learned Senior 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 is languishing in custody since 10.04.2021. The learned Senior counsel for the petitioner has referred to the Schedule notified under the provisions of the N.D.P.S. Act, 1985, more particularly, item no. - 56, which specifies commercial quantity of Heroine to be 250 gms. It is thus submitted that the recovery made from the petitioner i.e. 68 gms. of Brown Sugar being much less than the commercial quantity specified in the Schedule, there is no impediment in grant of bail to the petitioner.

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 as also considering the fact that the quantity of brown sugar recovered from the possession of the petitioner is much less than the commercial quantity specified in the Schedule



notified under the provisions of the N.D.P.S. Act, 1985, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since about 09 months, I deem it fit and proper to admit the petitioner to the privilege of bail.

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 court of Sessions Judge, Patna in connection with Danapur PS case no. 286 of 2021.

(Mohit Kumar Shah, J)

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