

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39072 of 2021

Arising Out of PS. Case No.-294 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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Raju Prasad S/O Late Shankar Prasad Resident Of Village Gaytri Nagar
Chauk, P.S-Motihari Town, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-01-2022 Heard.

The petitioner seeks regular bail in connection with N.D.P.S. Case No. 36 of 2021 arising out of Town P.S. Case No. 294 of 2021, registered for the offence punishable under sections 20(b) (ii) A of Narcotics Drugs Psychotropic Substance Act, 1985.

The petitioner is stated to have been apprehended by the police and upon search, 54 grams of ganja was recovered from his pocket.

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 is languishing in custody since 19.04.2021. The learned counsel for the petitioner has further submitted that small quantity of ganja, defined in the schedule notified under the N.D.P.S. Act, 1985 is 1 kg. whereas a meager quantity of 54 grams has been recovered from the possession of the petitioner, hence there is no impediment



in grant of bail to the petitioner herein.

Per contra, the learned APP 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 parties and taking into account the materials available on record as also considering the fact that meager quantity of 54 grams of ganja has been recovered from the possession of the petitioner, which is much less than the small quantity defined in the schedule notified under the N.D.P.S. Act, 1985, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of 3rd Additional Sessions Judge, Motihari, East Champaran in connection with N.D.P.S. Case No. 36 of 2021 arising out of Town P.S. Case No. 294 of 2021.

(Mohit Kumar Shah, J)

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