

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40985 of 2021

Arising Out of PS. Case No.-600 Year-2020 Thana- DIGHA District- Patna

CHANDAN KUMAR S/o Bhola Manjhi R/o Mohalla- Ramjichak, Near
Petrol Pump, P.S.- Digha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Sharma

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Special Case No. 163/2020 arising out of Digha P.S. Case No. 600/2020, registered for the offence punishable under Section 20/22 of the NDPS Act.

The allegation is regarding recovery of 8 grams of heroin from the pocket of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing



in custody since 25.11.2020. The learned counsel for the petitioner has further submitted that the fact is that the heroin was recovered from the co-accused person, namely, Golu Kumar and not from the petitioner and in fact, the seizure list also does not bear the signature of the petitioner herein, hence, it is submitted that that the petitioner has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that as per the schedule notified under the provisions of the NDPS Act, 1985, the commercial quantity has been specified as 250 grams, hence, the bar under Section 37 of the NDPS Act, 1985 shall not come in the way of this Court for the purposes of grant of bail to the petitioner.

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 learned counsel for the



petitioner and taking into account the materials available on record as also considering the fact that the quantity of heroin seized from the petitioner is less than the commercial quantity specified in the schedule notified under the NDPS Act, 1985, apart from the fact that the petitioner is languishing in custody since 25.11.2020, having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-4, Patna in connection with Special Case No. 163/2020 arising out of Digha P.S. Case No. 600/2020.

(Mohit Kumar Shah, J)

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