

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41652 of 2021

Arising Out of PS. Case No.-454 Year-2020 Thana- DAUDNAGAR District- Aurangabad

Kamakhya Giri S/o Late Indradeo Giri R/o Village- Shankarpur, P.S.-
Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-01-2022

Heard.

The petitioner seeks regular bail in connection with Daudnagar P.S. Case No. 454 of 2020, registered for the offence punishable under Sections 20(b)(ii)(B) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 195.5 gm of ganja from a kiosk belonging to the co-accused person.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 27.1.2021. The learned counsel for the petitioner has further submitted that the ganja has been seized from the co-accused person and merely upon the co-accused person having taken the name of the petitioner to be his accomplice, the petitioner has been falsely implicated in the present case. It is



further submitted that in any case, the quantity of seized ganja is much less than the small quantity as defined in the schedule notified under the N.D.P.S. Act, 1985, hence the petitioner can be granted bail.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for regular 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 ganja has not been recovered from the petitioner but from the co-accused person and the quantity of ganja seized is much less than the small quantity as defined in the schedule notified under N.D.P.S. Case, 1985, I deem fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned ^{1st} Additional District & Sessions Judge (NDPS), Aurangabad in connection with Daudnagar P.S. Case No. 454 of 2020.

(Mohit Kumar Shah, J)

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