

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42004 of 2021

Arising Out of PS. Case No.-156 Year-2021 Thana- KOILWAR District- Bhojpur

MUNNA RAM Son of Chhote Lal Ram Resident of Village - Koilwar (Ward no.- 10), P.S.- Koilwar, Dist. - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2022 Heard.

The petitioner seeks regular bail in connection with Koilwar P.S. Case No. 156 of 2021, registered for the offence punishable under Section 21(B) of N.D.P.S. Act, 1985.

The allegation is regarding recovery of 53 gms of Narcotic materials suspected to be Heroin from the possession 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 6.4.2021. The learned counsel for the petitioner has further submitted that the commercial quantity of Heroin, as specified in the schedule notified under the provisions of the NDPS Act, 1985 is 250 grams, hence the bar under section 37 of the NDPS Act, 1985 shall not be an impediment for the purposes of grant of bail to the petitioner herein. It is further submitted that the petitioner is a poor



and handicapped person and the charge sheet has already been filed in the present case, hence no prejudice would be caused to the prosecution in case the petitioner is granted bail.

Per contra, Shri Akhileshwar Dayal, 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 the quantity of Heroin recovered from the petitioner is much less than the commercial quantity of Heroin specified 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 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 Sessions Judge, Bhojpur at Ara in connection with Koilwar P.S. Case No. 156 of 2021.

(Mohit Kumar Shah, J)

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