

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41767 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- BANMANKHI District- Purnia

MANISH KUMAR SAH Son of Bihari Sah Resident of Village - Darjipatti,
Ward No.2, P.S.- Banmakhi, Distt.- Purnea, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Preety Kunwar, Adv.

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2022 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 the learned APP for the State.

The petitioner seeks regular bail in connection with Banmankhi PS case no. 75 of 2021 instituted for the offences punishable under Sections 8(c)/20(b) of N.D.P.S. Act, 1985.

The allegation is regarding recovery of 880 gms. of *ganja* from the grocery shop of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is an accused in one other case of



the year 2010 but he is on bail in the said case. The learned counsel for the petitioner has further submitted that the quantity of ganja seized from the grocery shop of the petitioner is less than its commercial quantity, as specified in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, inasmuch as small quantity of ganja has been specified as 1 kg and the commercial quantity of ganja has been stated as 20 kg., hence there is no impediment in grant of bail to the petitioner herein, especially considering the period of incarceration of the petitioner herein.

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 ganja seized from the grocery shop of the petitioner is less than the small quantity, as specified in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, as also considering the period of incarceration of the petitioner herein, 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 Special Judge, N.D.P.S. Act, Purnea in connection with Banmankhi PS case no. 75 of 2021.

(Mohit Kumar Shah, J)

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