

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43050 of 2021

Arising Out of PS. Case No.-312 Year-2020 Thana- SURSAND District- Sitamarhi

RAMNARESH PASWAN Son of Late Bacchu Paswan Resident of Mohalla -
Fatehpur Ward No. 14, P.S.- Raghobpur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Shraddhanand Paswan, Adv.

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-01-2022 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 Special Case No. 31 of 2020 arising out of Sursand P.S. Case No. 312/2020, registered for the offence punishable under Sections 8/20(b)(ii)(c)/22(B) of the NDPS Act.

The allegation is regarding recovery of 10 kg. ganja from 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 7.10.2020. The learned counsel for the petitioner has further submitted that the quantity of ganja recovered from the petitioner is much less than the commercial quantity specified in the schedule notified under the provisions of the NDPS Act, 1985, 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. It is further submitted that the petitioner is an old person of about 80 years of age.

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 that the quantity of ganja recovered from



the petitioner is much less than the commercial quantity specified in the schedule notified under the provisions of the NDPS Act, 1985, apart from the fact that the petitioner is languishing in custody since more than one year and he is 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 District and Sessions Judge-cum-Special Judge (NDPS), Sitamarhi in connection with Special Case No. 31/2020 arising out of Sursand P.S.Case No. 312 of 2020.

(Mohit Kumar Shah, J)

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