

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42976 of 2021

Arising Out of PS. Case No.-122 Year-2021 Thana- PIRBAHOR District- Patna

SUDHIR NARAYAN SON OF PREM NARAYAN R/O - N.I.T. MORH,
THATHERI BAZAR, P.S.- PIRBAHORE, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithlesh Kumar Gupta, Adv.
For the State : Mr.Manoj Kumar No. 1, 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. 29/2021 arising out of Pirbahore P.S. Case No. 122/2021, registered for the offence punishable under Sections 20/22 of the NDPS Act.

The allegation is regarding recovery of 29



grams of brown sugar from the petitioner after he was apprehended by the police and search was made.

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 15.3.2021. The learned counsel for the petitioner has further submitted that the small quantity of brown sugar i.e. heroin, specified in the schedule notified under the provisions of the NDPS Act, 1985, is 5 grams whereas the commercial quantity is 250 grams, however, the quantity of brown sugar recovered from the petitioner is only 29 grams, hence, the bar under Section 37 of the NDPS Act, 1985 shall not come in the way of this Court from granting bail to the petitioner herein.

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 brown sugar 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 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 Judge XVIII Patna in connection with Special Case No. 29 of 2021 arising out of Pirbahore P.S. Case No. 122/21.

(Mohit Kumar Shah, J)

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