

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43813 of 2021**

Arising Out of PS. Case No.-73 Year-2021 Thana- KARAHGAR District- Rohtas

SHRAWAN KUMAR @ VIKASH KUMAR Son of Ramlal Ram Resident of
Village- Barki Kharari, P.S.- Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 22-01-2022 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, Sri Ashok Kumar.

The petitioner seeks regular bail in connection with N.D.P.S. 2/21, arising out of Kargahar P.S.Case No. 73/21, registered for the offence punishable under Sections 399, 402 of the Indian Penal Code and Sections 20/22 of NDPS Act.



The case of the prosecution in brief is that unknown miscreants were sitting near the Panchayat Bhawan and smoking ganja, when the police had arrived at the spot and had arrested the miscreants including the petitioner herein. It is further alleged that the police had then conducted a search and as far as the petitioner is concerned, 250 grams of ganja was recovered.

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 24.3.2021. The learned counsel for the petitioner has further submitted that the small quantity of ganja specified in the schedule notified under the provisions of the NDPS Act, 1985 is 1000 grams, hence, there is no impediment in grant of bail to the petitioner herein. It is also submitted that the fact is that no ganja was actually seized from the conscious possession of the petitioner.

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 ganja, alleged to have been seized from the conscious possession of the petitioner, is much less than the small quantity defined in the schedule notified under the provisions of the NDPS Act, 1985, apart from the fact that he is having a clean antecedent and he is languishing in custody since a long time, 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 and Sessions Judge XXIIth Sasaram in connection with NDPS-2/2021 arising out of Kargahar P.S. Case No.



73/2021.

(Mohit Kumar Shah, J)

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