

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44119 of 2021

Arising Out of PS. Case No.-286 Year-2021 Thana- DANAPUR District- Patna

SURENDRA SHARMA @ PINKU SINGH Son of Aashnarayan Singh
Resident of Village - Barda Saidabad, P.S.- Ranitalab, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special Case No. 43 of 2021 arising out of Danapur P.S. Case
No. 286 of 2021 for the offence registered under Sections 8, 20
and 21 of the N.D.P.S. Act, 1985.

The allegation is regarding the police having received
secret information that some miscreants, on two motorcycles
are about to reach near Saguna More from Gola Road via
Ranjan Path, whereafter an ambush was laid and the miscreants
were apprehended. One of the apprehended miscreant is the
petitioner herein and upon search 99.30 grams of brown sugar
was recovered along with one mobile phone and a motorcycle
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 12.04.2021. The learned counsel for the petitioner has further submitted that the motorcycle in question belongs to the petitioner and the same can also be verified. It is also submitted that as far as recovery of 99.30 grams of brown sugar is concerned, a bare perusal of Entry 56 of the Schedule notified under the NDPS Act, 1985 would show that the commercial quantity of heroin defined therein is 250 grams, hence, it is submitted that there is no impediment as far as grant of bail to the petitioner herein is concerned.

Per contra, the learned counsel 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 its commercial quantity defined in Schedule to the NDPS Act, 1985 as also the motorcycle in question is stated to be belonging to the petitioner 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 herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, Patna in connection with Special Case No. 43 of 2021 arising out of Danapur P.S. Case No. 286 of 2021.

(Mohit Kumar Shah, J)

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