

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39525 of 2022

Arising Out of PS. Case No.-780 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Vishwanath Sah Son of Late Ramchandra Sah Resident of village- Motipur
Purani Bazar, P.s.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate. Mrs. Vaishnavi Singh, Advocate. Mr. Ritwik Thakur, Advocate.
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-11-2022 The learned counsel for the petitioner is directed
to remove all the defects pointed out by the Stamp Reporter
within one month.

Heard learned senior counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Sadar
P.S. Case No. 780 of 2021 registered for the offence punishable
under Section 20 of the Narcotic Drugs and Psychotropic
Substances Act.

As per the prosecution, the informant along with other
police personnel acting upon a secret information apprehended
this petitioner with other co-accused persons from a Scorpio
vehicle and from the possession of this petitioner 250 grams of
Narcotic material suspected to be *Ganja*, two mobile phones and
the alleged vehicle were recovered and from the possession of



other co-accused persons 200 grams of Narcotic material suspected to be *Ganja* and three mobile phones were recovered.

The main submissions advanced by learned senior counsel Mr. Ajay Kumar Thakur appearing for the petitioner are that as per the prosecution story mentioned in the FIR only 250 grams contraband suspected to be *Ganja* was alleged to have been recovered from the possession of this petitioner and for keeping the said quantity of contraband in possession one can be punished with imprisonment for one year maximum as per Section 20 of N.D.P.S. Act under which the FIR has been registered and the petitioner has been languishing in jail in this case since 24.11.2021 and only three days are remaining to complete the said maximum period of imprisonment if he is convicted for the alleged offence.

Learned APP Mr. Pramod Kumar Pandey appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the seizure list of the alleged contraband. As per the prosecution's story mentioned in the FIR, 250 grams of Narcotic material suspected to be *Ganja*, two mobile phones and the Scorpio vehicle were alleged to have been recovered from the possession of this petitioner. So far as the recovery of the said mobile phones and the Scorpio vehicle is concerned there is no



allegation of the prosecution regarding the said materials to be stolen and the FIR has been registered under Section 20 of N.D.P.S. Act relating to the alleged seized contraband and the quantity of the same has been weighed by the concerned police agency as 250 grams for which the maximum punishment under Section 20(b)(ii)(A) of N.D.P.S. Act is upto one year imprisonment and the petitioner has been languishing in jail since 24.11.2021. Though the petitioner has a long criminal history but considering his incarceration period in this case which is about to reach the maximum punishment prescribed for the alleged offence punishable under Section 20 of the N.D.P.S. Act, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge N.D.P.S Muzaffarpur in connection with Sadar P.S. Case No. 780 of 2021.

The court below is directed to complete the trial of the petitioner at the earliest in view of the present jail custody period of the petitioner in the instant matter.

(Shailendra Singh, J.)

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