

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49731 of 2021

Arising Out of PS. Case No.-394 Year-2020 Thana- GARDANIBAG District- Patna

SANTOSH RAI S/o- Late Jagdish Rai Resident of - Dhirachak, Near Lal
Mandir, P.S. - Gardanibagh, Distt. - Patna. Petitioner/s
Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Mohan Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-03-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Gardanibagh PS case no. 394 of 2020 instituted for the
offences punishable under Sections 8(C)/21(b)/27 of N.D.P.S.
Act.

The allegation is regarding recovery of 1.50
mg of Brown Sugar (Heroin) from the conscious 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 and is languishing in custody
since 05.08.2020. The learned counsel for the petitioner has
further submitted that though the petitioner is an accused in



some other cases but he is on bail in the said cases. Lastly, it is submitted that the quantity of Brown Sugar (Heroine) recovered from the possession of the petitioner is much less than the small quantity defined in the Schedule notified under the N.D.P.S. Act, 1985, hence there is no impediment in grant of bail to the petitioner.

Per contra, the learned A.P.P. 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 parties and taking into account the materials available on record as also considering the fact that the quantity of Brown Sugar (Heroine) recovered from the conscious possession of the petitioner is much less than the small quantity defined in the Schedule notified under the N.D.P.S. Act, 1985, apart from the fact that he is languishing in custody since more than 06 months, I deem it fit and proper to admit the petitioner to the privilege of bail. .

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional District &



Sessions Judge IV-cum-Special Judge, Patna in connection
with Gardanibagh PS case no. 394 of 2020.

(Mohit Kumar Shah, J)

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