

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49903 of 2021**

Arising Out of PS. Case No.-653 Year-2020 Thana- KANTI District- Muzaffarpur

SHAMBHU PASWAN S/O KISHUNI PASWAN R/o village- Gosain Tola,
P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Anjana, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 07-03-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Kanti P.S. Case No. 653 of 2020 for the offence registered under Sections 399 and 402 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20 & 22 of the NDPS Act.

The allegation is regarding the police having received secret information to the effect that some miscreants had assembled near Sadatpur over bridge and were hatching a conspiracy to commit some crime whereafter the police had raided the place of occurrence and some miscreants were arrested while some managed to flee away. As far as the petitioner is concerned, 400 grams of Charas was recovered.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 30.10.2020. The learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in the present case only on account of bad antecedent of the petitioner herein although all the cases date back to the year 2010 and before. Lastly, it is submitted that the quantity of Charas seized from the petitioner is much less than the commercial quantity defined in the Schedule notified under the NDPS Act, 1985, hence there is no impediment in grant of bail to the petitioner herein.

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 Charas recovered from the possession of the petitioner is much less than the commercial quantity defined in the Schedule notified under the NDPS Act, 1985 apart from the fact that the criminal cases pending against the petitioner date back to the year 2010 and before, 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-cum-Special Judge, Muzaffarpur in connection with Kanti P.S. Case No. 653 of 2020.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

