

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49476 of 2021**

Arising Out of PS. Case No.-257 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Rahul Kumar S/O- Ramprevesh Kumar @ Rampravesh Mahto, Resident of
Village- Saraiyaganj, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.Raj Kishore Singh

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

2 31-01-2022 Heard.

The petitioner seeks regular bail in connection with D.R.I. (N.D.P.S.) Case No. 29 of 2021 arising out of Sadar P.S. Case No. 257 of 2021, registered for the offence punishable under section 414 of the Indian Penal Code, Sections 25(1-B)a, 26/35 of the Arms Act and sections 20,22 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

The allegation is regarding the police having apprehended three miscreants and one motorcycle was recovered. It is also alleged that upon search of the person of the petitioner, 200



grams of ganja like substance was recovered.

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 is languishing in custody since 27.3.2021. The learned counsel for the petitioner has further submitted that the small quantity of ganja, as defined in the schedule notified under the N.D.P.S. Act, 1985 is 1 kg. whereas only 200 grams ganja like substance has been recovered from the petitioner, hence, there is no impediment in grant of bail to the petitioner herein. It is further submitted that as far as the petitioner is concerned, he is having no concern with the motorcycle in question and the other two co-accused persons might be responsible for its possession.

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 parties and taking into



account the materials available on record as also considering the fact that a meager quantity of ganja like substance has been recovered from the petitioner and the same is much less than the small quantity defined in the schedule notified under the NDPS Act, 1985, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Special Judge, NDPS Act, Muzaffarpur in connection with D.R.I. (N.D.P.S.) Case No. 29 of 2021 arising out of Sadar P.S. Case No. 257 of 2021.

(Mohit Kumar Shah, J)

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