

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40499 of 2022**

Arising Out of PS. Case No.-18 Year-2022 Thana- AKBARPUR District- Nawada

Umesh Kewat Son Of Late Iswari Kewat R/O Village- Gangta, P.S.-
Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-10-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

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

Petitioner seeks regular bail in connection with
Akbarpur P.S. Case No.18 of 2022 registered for the offences
punishable under Sections 8(b), 20(a) and 20(b) of the N.D.P.S.
Act 1985.

As per the allegation, the police personnel acting upon
a secret information raided the house of the accused person from
where the police recovered twenty green plants of narcotic
material suspected to be *Ganja* (cannabis) which altogether



weighs 25.150 kg.

The main submissions advanced by learned counsel Mr. Sheo Kumar Prasad for the petitioner are that the petitioner is a 58 years old person, the alleged cannabis plants were recovered from the semi-constructed house of the petitioner which was having open access to anyone and moreover the alleged plants had grown on it's own without any knowledge of the petitioner. Further submission is that the petitioner has been languishing in jail since 19th January, 2022 having clean antecedent.

Learned APP Dr. Mrityunjaya kr. Gautam appearing for the State has opposed the bail prayer.

In view of the above submissions and mainly considering the petitioner's custody period and his clean antecedent and also the fact that the alleged *Ganja*(cannabis) plants were recovered from the land of semi-constructed house of the informant which could have been approached by anyone and the alleged wrong of the petitioner mainly attracts the offence punishable under Section 20(a) of N.D.P.S. Act, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, let the petitioner 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 concerned
Court in Connection with Akbarpur P.S. Case No.18 of 2022.

(Shailendra Singh, J.)

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