

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50155 of 2021

Arising Out of PS. Case No.-169 Year-2021 Thana- HARLAKHI District- Madhubani

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RAM PRAKASH PASWAN S/o- SHRI PARMESHWAR PASWAN Resident
of Village- Potgah, P.S.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP

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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 Harlakhi P.S. Case No. 169 of 2021 for the offence registered under Sections 272, 273/34 of the Indian Penal Code, Section 30(a) of the Bihar Prohibition and Excise Act and Sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act.

The allegation is regarding a team of army personnel posted at Indo Nepal border having got secret information that two accused persons travelling on a motorcycle were coming from Nepal side, whereupon a barricade was erected and the accused persons were arrested. It is further alleged that upon search being carried out, 15 litres of illicit Nepali liquor and



5.125 kgs. of Ganja was recovered.

Shri Ajay Kumar Thakur, 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 he is languishing in custody since 21.06.2021. The learned counsel for the petitioner has further submitted that the commercial quantity of Ganja recovered from the petitioner is 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 Ganja seized from the petitioner is less than the commercial quantity defined in the Schedule notified under the NDPS Act, 1985 apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since about eight months, 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, Madhubani in connection with Harlakhi P.S. Case No. 169 of 2021.

(Mohit Kumar Shah, J)

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