

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51473 of 2021

Arising Out of PS. Case No.-556 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

AMIT KUMAR @ KALLU Son of Anil Prasad Resident of Village - Gola
Bandh Road, Mahabir Asthan, P.S.- Muzaffarpur Town, District - Muzaffarpur
... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-03-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Muzaffarpur Town P.S. Case No. 556/2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act and Sections 8(c)/21(b) of the NDPS Act.

The allegation is regarding the police having intercepted a motorcycle on which the petitioner and one other co-accused person were travelling, whereafter search was made & as far as the petitioner is concerned, 8.124 grams of smack like substance was recovered, apart from the recovery of 8.774 grams of smack like substance



from the pocket of co-accused person, namely, Chaitavya Rishi. It is also alleged that 3.75 liters of illicit liquor was also recovered from the said co-accused person.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 25.7.2021. The learned counsel for the petitioner has further submitted that the quantity of smack recovered from the possession of the petitioner is much less than the commercial quantity specified in the schedule notified under the provisions of the NDPS Act, 1985, hence, the bar of Section 37 of the NDPS Act, 1985 shall not be an impediment for the purposes of grant of bail to the petitioner.

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 learned counsel for the



petitioner and taking into account the materials available on record as also considering the fact that the quantity of smack recovered from the conscious possession of the petitioner is much less than the commercial quantity specified in the schedule notified under the provisions of the NDPS Act, 1985, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since about seven months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 556 of 2021.

(Mohit Kumar Shah, J)

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