

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53671 of 2021

Arising Out of PS. Case No.-174 Year-2021 Thana- PATLIPUTRA District- Patna

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BINOD KUMAR RAI @ BINOD PRASAD @ BINOD KUMAR S/o -
Chandrika Rai @ Dwarika Rai Resident of - Rajiv Nagar, Road No. -15, P.S.
Rajiv Nagar, District - Patna, at present - Nehru Nagar, SC/ST Colony, P.S. -
Patliputra, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-05-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 20(i)(b)(ii)(B) of the N.D.P.S. Act.

Recovery is of 1 Kg. 493 Grams of Ganja

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. In fact, according to the F.I.R, 1.4 Kg. of Ganja is said to
have been recovered from the shop of the petitioner but the
alleged quantity of Ganja does not fall within the purview of
commercial quantity and the petitioner has sufficiently been
punished for the alleged recovery as he has been languishing in
judicial custody since 15.04.2021 i.e. more than one year. He



further submits that since the alleged recovery is little bit more than small quantity, thus, there is no bar to this Court to grant the privilege of bail to the petitioner.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner and submits that the alleged recovery is more than the small quantity and the petitioner seems to be indulged in illegal dealing of narcotic substance, which is strictly prohibited. He also submits that the F.S.L. report confirmed that the alleged recovery is a narcotic substance like Ganja. He further submits that paragraph-3 of the bail petition clearly shows that the petitioner is a notable dealer of narcotic substance and the prohibited articles as he owns five more cases, more or less similar to the present one.

Considering the facts and circumstances of the case and the criminal antecedent of the petitioner, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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