

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46441 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- RAJIVNAGAR District- Patna

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KALLU KUMAR @ JITENDRA KUMAR Son of Mr. Raju Chaudhary @
Raj Kumar Chaudhary Resident of Rajeev Nagar, Road No. 19, Near Chhoti
Bagicha, P.S- Rajeev Nagar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjay Kumar

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-12-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Rajeev Nagar P.S. Case No. 297/2021 (Special Case No. 79/2021), registered for the offence punishable under Sections 20(b)(ii) (A) of the Indian Penal Code and Section 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

The case of the prosecution in brief is that on 24.7.2021, the informant along with the police force was on patrolling duty and during the checking of vehicles, one motorcycle, being



ridden by three persons, was intercepted, however, while the petitioner was apprehended, the other co-accused persons managed to flee away and upon search, 2 kg. ganja was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 24.7.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. It is further submitted, by referring to the schedule notified under the provisions of the NDPS Act, 1985 that the quantity of ganja, seized from the petitioner, is much less than the commercial quantity, which is 20 kg., hence, benefit of doubt can be granted to the petitioner and he can be enlarged on bail.

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 period of incarceration of the petitioner, apart from the fact that the quantity of ganja, recovered from the petitioner, is much less than the commercial quantity specified in the schedule notified under the provisions of the NDPS Act, 1985, 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 (NDPS), Patna in connection with Rajeev Nagar P.S. Case No. 297/2021 (Special Case No. 79/2021).

(Mohit Kumar Shah, J)

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