

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46636 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- NADI NAINAHA District- West
Champaran

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1. ALI MAHAMMAD Son of Mehdi Miyan Resident of village - Nadwa Murli, P.S.- Chautarwa, District - West Champaran.
 2. Raja Husain Son of Late Samtul Miya Resident of village - Nadwa Murli, P.S.- Chautarwa, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-12-2022 Heard the learned counsel for the petitioners
and the learned APP for the State.

The petitioners seek regular bail in connection with Nadi P.S. Case No. 20/2022, registered for the offence punishable under Sections 8/20(b)(11)(B) and 29 of the NDPS Act.

The case of the prosecution, according to the informant is that when he along with other police personnel was on patrolling duty and they were checking vehicles, on the alleged date and time of occurrence, two persons i.e. the petitioners herein came from Dhanaha on a motorcycle and when



they were signalled to stop, they started fleeing away, but were caught by the police, upon chase and when search was made, 2 kg. ganja was recovered from the dickey of their motorcycle.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having a clean antecedent and they are languishing in custody since 26.4.2022. The learned counsel for the petitioners has further submitted that the quantity of ganja, recovered from the petitioners, as per the schedule notified under the provisions of the NDPS Act, 1985, is much less than the commercial quantity i.e. 20 kg., hence, benefit of doubt can be granted to the petitioners for the purposes of grant of bail, especially considering the period of incarceration of the petitioners.

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 petitioners and taking into account the materials available on record as also considering the fact that the quantity of ganja, seized from the petitioners, 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 petitioners are languishing in custody since 26.4.2022, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IIIrd, Bettiah, West Champaran in connection with Nadi P.S. Case No. 20/2022.

(Mohit Kumar Shah, J)

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