

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59435 of 2021

Arising Out of PS. Case No.-433 Year-2021 Thana- KANTI District- Muzaffarpur

RAJ MANGAL KUMAR Son of Sri Shatrughna Sahni Resident of Village -
Kalyanpur Harauna, P.S.- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Kanti P.S. Case No. 433 of 2021, registered for the offence punishable under Sections 20 and 22 of the NDPS Act and Section 25(1-b)a/26 of the Arms Act.

The allegation is regarding recovery of 100 grams of smack and one loaded country made pistol with cartridges from the petitioner after he was apprehended and search was made.

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 30.6.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one another criminal case, but he is on bail in the said case. Lastly, it is submitted that the quantity of smack recovered from the petitioner is much less than the commercial quantity prescribed in the schedule notified under the provisions of the NDPS Act, 1985, hence, there is no impediment in grant of bail to the petitioner herein.

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 herein, apart from the fact that the quantity of smack 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 Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Kanti P.S. Case No. 433 of 2021.

(Mohit Kumar Shah, J)

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