

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59481 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- VALMIKINAGAR District- West
Champaran

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DINESH KAHAR Son of Madan Kahanr Resident of Village - Shakardinhi,
P.O. and P.s.- Ramnagar, Distt.- Navalparasi (Nepal), At present C/o
Raghunath Gond Vill- Charghariya, P.O. and P.s.- Valmikinagar, Distt.- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Kumar

For the Opposite Party/s : Mr.Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-03-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in
connection with Valmikinagar P.S. Case No. 3 of
2021, registered for the offence punishable under
Sections 20 and 23 of the NDPS Act, 1985.

The allegation is regarding recovery of 990
grams of charas and 6 kg. of peas from the
petitioner after he was apprehended by the SSB
of Bagaha Rampurwa post 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, he is having a clean antecedent and he is languishing in custody since 5.1.2021. The learned counsel for the petitioner has further submitted that since the quantity of charas seized from the petitioner is below the commercial quantity defined in the schedule notified under the provisions of the NDPS Act, 1985, the bar of Section 37 of the NDPS Act, 1985 shall not be an impediment for 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 charas recovered from the petitioner is less than the commercial quantity defined 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 more than one year, 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 3rd Additional District and Sessions Judge, Bettiah, West Champaran in connection with Valmikinagar P.S. Case No. 3 of 2021.

(Mohit Kumar Shah, J)

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