

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60091 of 2021

Arising Out of PS. Case No.-42 Year-2021 Thana- BALTHAR District- West Champaran

1. Satish Kumar Singh S/o Late Munna Singh R/o village- Biraith, P.S.- Gopalpur, District- West Champaran, Bettiah
2. Vinod Singh S/o Late Harendra Singh R/o village- Biraith, P.S.- Gopalpur, District- West Champaran, Bettiah

... .. Petitioner/s

Versus

1. The Union Of India Through Directorate Of Revenue Intelligence, Muzaffarpur Bihar
2. The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Adv.

For the Opposite Party/s : Mr. Ranvir Kumar, Sr. Standing Counsel.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2022 Heard.

The petitioners seek regular bail in connection with Balthar P.S. Case No. 42 of 2021, registered for the offence punishable under sections 20(b)(iii) B and 23(B) of N.D.P.S. Act, 1985.

The allegation is regarding recovery of 2.5 kg. of ganja from the petitioner no.1 and 2.225 kg. of ganja from the possession of the petitioner no.2, after they were apprehended by the police and search was made.

The learned counsel for the petitioners has



submitted that the petitioners are innocent, have been falsely implicated in the present case and are languishing in custody since 15.4.2021. The learned counsel for the petitioners has further submitted that the petitioner no. 1 is having a clean antecedent, while the petitioner no. 2 is an accused in a very old case of the year 1993 in which he is on bail. Lastly, it is submitted that the quantity of ganja seized from the possession of the petitioner are much less than the commercial quantity defined in the schedule notified under the provisions of the N.D.P.S. Act, 1985, hence the bar under Section 37 of the N.D.P.S. Act, 1985 shall not be an impediment for the purposes of grant of bail to 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 parties and taking into account the materials available on record as also considering the fact that the quantity of ganja



recovered from the petitioners are much less than the commercial quantity defined in the schedule notified under the provisions of the N.D.P.S. Act, 1985 apart from the fact that the petitioners are rotting in jail since about 11 months, I deem it fit and proper to admit the petitioners to the privilege of regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court of Sessions Judge, West Champaran, Bettiah in connection with Balthar P.S. Case No. 42 of 2021.

(Mohit Kumar Shah, J)

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