

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61346 of 2021

Arising Out of PS. Case No.-111 Year-2021 Thana- JADOPUR District- Gopalganj

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Bhadai Sahani S/O Late Chuni Sahani, R/O Village-Babu Vishunpur Balua
Tola, P.S-Jadopur, District-Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Kant, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 12-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Jadopur P.S. Case No. 111 of 2021 lodged under Sections
8/20(b)(ii)(c) of NDPS Act.

As per prosecution, the recovery of 21 kg. and 227
gm. of Ganja were alleged to be made from the house of the
petitioner. FSL report has received which indicates that the
recovered material is definitely *Ganja* which is NDPS
substance.

Learned counsel for the petitioner submits that

petitioner is victim of society and he is an old aged person of 65 years. He has placed the confessional statement of the petitioner before the Court in which the petitioner has categorically stated that there is a handicapped in the family and he is an extremely poor person and with a view to save the life of the family and handicapped, he under grid has committed such illegal act. Learned counsel further submits that criminal antecedent of the petitioner is clean and he is in custody since 29.07.2021, therefore, a sympathetic view may be taken in this case.

Learned counsel for the State opposes the prayer for bail and submits that the commercial quantity for the recovery of NDPS is 20 kg. but the quantity seized from the possession of the petitioner is more than 20 kg. and it is a commercial quantity. He further submits that there is no any provision in law in the NDPS to take a sympathetic view on the basis of age.

Upon specific query that whether charge has been framed or not, learned counsel for the petitioner submits that till date charge has not been framed in this case.

In the present facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Therefore, bail petition of the petitioner is hereby rejected.

However, considering the age of the petitioner I am

granting liberty to the petitioner to move for bail after one year
from the date of framing of charge.

(Dr. Anshuman, J.)

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