

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50413 of 2022**

Arising Out of PS. Case No.-63 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

AMAR KUMAR Son of Mahendra Paswan R/o Village - Zero Mile, P.S.-
Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Ramchandra Sahni

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 09-12-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Siwaipatti P.S. Case No. 63 of 2022, registered for the offence punishable under Sections 8/20/22 of the NDPS Act.

The allegation is regarding recovery of 34.35 gram of smack from the possession of the petitioner, upon the petitioner being apprehended and search being made by the police.

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 19.4.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. It is further submitted, by referring to the schedule notified under the provisions of the NDPS Act, 1985 that the commercial quantity of heroin defined therein is 250 gram, however, the quantity of smack recovered from the petitioner is much less and is only 34.35 grams, hence, the petitioner can be granted benefit of doubt for the purposes of grant of bail. It is further submitted that seizure has been made in violation of the provisions contained under Section 100 Cr.P.C.

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, this Court finds that the



quantity of smack recovered from the petitioner is much 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 languishing in custody since a long time i.e. since 19.4.2022, hence, 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 Special Judge cum Sessions Judge, Muzaffarpur in connection with Siwaipatti P.S. Case No. 63 of 2022.

(Mohit Kumar Shah, J)

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