

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61101 of 2021

Arising Out of PS. Case No.-174 Year-2021 Thana- BARACHATTI District- Gaya

1. BALJIT SINGH Son of Arup Singh Resident of village - Darmabad, P.S.- Dera Baburnake, Distt.- Gurudaspur, (Punjab)
2. Rembo Mishra @ Limbo Mishra Son of Zamaya Mishra Resident of village - Dharmkot, P.s.- Dera Baburnake and Dist.- Gurudaspur (Punjab).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-03-2022 Heard.

The petitioners seek regular bail in connection with N.D.P.S. Case No. 35 of 2021 arising out of Barachatti P.S. Case No. 174 of 2021, registered for the offence punishable under sections 20 and 22 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

The allegation is regarding recovery of doda from the cabin of the truck in question and upon weighing the same, it transpired that the weight of the same is 3 kg. The petitioners are stated to be the driver and cleaner of the truck in question.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely



implicated in the present case, are having a clean antecedent and are languishing in custody since 17.03.2021. The learned counsel for the petitioners has further submitted that the commercial quantity of dada (Poppy straw) specified in the schedule notified under the provisions of the N.D.P.S. Act, 1985 is 50 Kg, hence the quantity seized from the petitioners is much less than the commercial quantity, hence there is no impediment in grant of bail to the petitioner herein.

Per contra, the learned APP for the State, have 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 records as also considering the fact that quantity of doda seized from the petitioners is 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 having a clean antecedent and are languishing in custody since about one year, 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 bond of Rs.
10,000/- each with two sureties of the like amount each to the
satisfaction of the learned court of Additional District and
Sessions Judge-1st, Gaya in connection with Barachatti P.S.
Case No. 174 of 2021.

(Mohit Kumar Shah, J)

Tiwary/-

U		T	
---	--	---	--

