

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68406 of 2021**

Arising Out of PS. Case No.-309 Year-2021 Thana- PUPRI District- Sitamarhi

=====

RAM BRIKSHA SAH @ RAM VRIKSHA SAH @ RAM BRIKSH SAH Son
of Late Sonfi Sah Resident of Village -Bhahma @ Mahma @ Mahima
Rasalpur, P.S.- Pupri, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India Through S.P. Sitamarhi. Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Nitya Nand Tiwary

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-05-2022 Heard the learned counsel for the petitioner
and the learned APP for the State, Sri Nityanand
Tiwary.

The petitioner seeks regular bail in
connection with Pupri P.S. Case No. 309 of 2021,
registered for the offence punishable under
Sections 8/20b (ii)(B) of the NDPS Act.

The informant along with other police
personnel are stated to have conducted a raid in
the grossery shop of the petitioner and recovered
1.5 kg. of ganja like substance.



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 12.9.2021. The learned counsel for the petitioner has further submitted that the quantity of ganja seized from the grossery shop of the petitioner, though is more than the small quantity defined in the schedule notified under the provisions of the NDPS Act, 1985, however, it is much less than the commercial quantity, hence, there is no impediment in granting bail to the petitioner herein.

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 ganja recovered from the grossery shop of the petitioner is much less than



the commercial quantity of ganja 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, 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 NDPS Act, Sitamarhi in connection with Pupri P.S. Case No. 309 of 2021.

(Mohit Kumar Shah, J)

Ajay/-

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

