

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.69020 of 2021

Arising Out of PS. Case No.-235 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

SANJAY KUMAR NIRALA Son of Late Maharaj Das Resident of Village -
Barhari, P.S. - Gouradih, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navjot Yesu, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 08-06-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Jagdishpur (Gouradih) P.S. Case No. 235 of 2021 for the offence
registered under Sections 20/22 of the Narcotics Drugs and
Psychotropic Substance Act, 1985.

The allegation is regarding recovery of 1.720 kg. of
Ganja from the house of the petitioner.

The learned counsel for the petitioner has submitted that
the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 18.07.2021.
The learned counsel for the petitioner has further submitted that
though the petitioner is an accused in one old criminal case but he
is on bail in the said case. It is also submitted that since the
quantity of Ganja recovered from the house of the petitioner is
much less than the commercial quantity defined in the schedule
notified under the N.D.P.S. Act, 1985, there is no impediment in
grant of 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 house of the petitioner is much less than the commercial quantity defined in the schedule notified under the N.D.P.S. Act, 1985 apart from the fact that the petitioner is languishing in custody since 18.07.2021, this Court finds that the bar under Section 37 of the N.D.P.S. Act, 1985 shall not be an impediment in grant of bail to the petitioner herein, hence I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IX, Bhagalpur in connection with Jagdishpur (Gouradih) P.S. Case No. 235 of 2021.

(Mohit Kumar Shah, J)

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