

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69718 of 2021

Arising out of PS. Case No.-47 Year-2021 Thana- CHAPRA RAIL P.S. District- Saran

ANIL JHA Son of Kishori Jha Resident of Village- Chandpura, P.S.-
Raghopur, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-05-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Rail P.S. Chhapra Case No. 47 of 2021 for the offence registered
under Sections 20 and 22 of the NDPS Act.

The allegation is regarding the informant and other
police personnel having apprehended the petitioner from a train
standing at the railway platform in question and upon search
9.200 kgs. Ganja and a mobile phone was recovered from the
possession of the petitioner.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and he is languishing
in custody since 18.04.2021. The learned counsel for the



petitioner has referred to the seizure list in question to submit that though the petitioner was a bona fide passenger of the train in question and was holding a valid ticket as also was sitting in the said train, however, the seizure of Ganja has been made from the platform, as such the petitioner has been made an accused in the present case merely on suspicion. Lastly, it is submitted that the quantity of Ganja seized by the police is much less than the commercial quantity mentioned in the Schedule notified under the provisions of the NDPS Act, 1985.

Per contra, the learned A.P.P. 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 petitioner is having a clean antecedent and the quantity of Ganja seized from the petitioner is much less than the commercial quantity defined in the Schedule notified under the provisions of the NDPS Act, 1985, 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 1st Additional Session Judge-cum-Special Judge, NDPS Act, Saran at Chapra in connection with NDPS Act Case No. 13 of 2021 arising out of Rail P.S. Chhapra Case No. 47 of 2021.

(Mohit Kumar Shah, J)

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