

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58160 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- KANTI District- Muzaffarpur

=====

Pramod Mahajan @ Pramod Sah S/O Mauji Lal Sah Resident of village-
Narsandha, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate
For the State : Mr. Anil Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Kanti P.S.
Case No. 61 of 2021 registered for the offence under Sections
20 and 22 of the N.D.P.S. Act and Section 30(a) of the Bihar
Excise Act, 2016-18.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.07.2022.

The allegation against the petitioner is to have in
possession of 11.260 liters of illicit liquor and 40 gram of
contraband i.e., '*Ganja*'.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged recovery of illicit liquor and contraband i.e., '*Ganja*' was made from the house of the daughter of this petitioner, which is exclusively occupied by her, after living separately from her husband, provided by the petitioner, being father. It is submitted that recovered quantity of '*Ganja*' is less than small quantity, where maximum punishment is up to one year. It is also submitted that compliance of Sections 42 and 50 of the N.D.P.S. were not made in the present case, alongwith the compliance of Section 100(4) of the Cr.P.C., as regard to search of house/premises. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor, alongwith contraband i.e., '*Ganja*', which is less than small quantity, not appears to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above



named, is directed to be released on bail in connection with Kanti P.S. Case No. 61 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.II, Muzaffarpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-
S.Tripathi/-

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

