

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23197 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- DESARI District- Vaishali

CHANDRADEEP PASWAN @ DEEPA DAS Son of Late Shobit Paswan
Resident of Village - Sahariya, Ward No.- 6 Y, Majrohi urf Sahariya, P.S.-
Desari (Sahdoi Buzurg), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Desari (Sahdei O.P.) P.S. Case No. 08 of 2022, registered for the offence punishable under Sections 414 of the Indian Penal Code and Sections 20, 22 of N.D.P.S. Act.

The case of the prosecution, in brief, is that on 5.1.2022 at about 10:30 am, the informant along with other police personnel was on patrolling duty, when he got information that one person was selling ganja, whereafter the police force had surrounded the house of the petitioner and had



recovered one and a half kg. ganja from the house and had also seized one motorcycle standing outside the said house. It is also alleged that the petitioner and one another co-accused person, namely, Chandradeep Rai were arrested from the spot.

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 6.1.2022. The learned counsel for the petitioner has further submitted that the quantity of ganja, seized from the house of the petitioner, is much less than the commercial quantity, defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, i.e. 20 kg., hence, benefit of doubt can be granted to the petitioner for the purposes of grant of bail. It is further submitted that the motorcycle in question belongs to the co-accused person, namely, Chandradeep Rai, who had come to the house of the petitioner on the said motorcycle



and he has already been granted bail by the learned Sessions Court.

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 provisions of the N.D.P.S. Act, 1985, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since about one year, 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 Sessions Judge, Vaishali at
Hajipur in connection with Desari (Sahdei O.P.) P.S.
Case No. 08 of 2022.

(Mohit Kumar Shah, J)

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