

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22632 of 2022

Arising Out of PS. Case No.-691 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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NARAYAN MISHRA SON OF NAGENDRA MISHRA R/O -
NAURANGABAG, WARD NO.-33, P.S.- NAGAR BETTIAH, DISTRICT-
WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1

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

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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 Bettiah Town P.S. Case No.
691/2021, registered for the offence punishable
under Sections 21(B), 23(B) of the N.D.P.S. Act.

The allegation is regarding the police having
received secret information to the effect that the
petitioner is selling smack like narcotic substance
from his house, whereafter the police personnel
had raided the house of the petitioner and upon
search, 45.470 grams of smack was recovered.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case, and he is languishing in custody since 09.12.2021. The learned counsel for the petitioner has further submitted that the petitioner is having a fair antecedent, inasmuch as he is an accused in only one other criminal case. Lastly, it is submitted that the quantity of smack (heroine), recovered from 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. 250 grams, hence, benefit of doubt can be granted to the petitioner for the purposes of grant of bail.

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 materials available in the case diary, this Court



finds that the quantity of smack (heroin), recovered from 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. 250 grams, hence, I deem it fit and proper to admit the petitioner to the privilege of bail, especially considering his period of incarceration.

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 C.J.M., West Champaran, Bettiah in connection with Nagar Bettiah P.S. Case No. 691/2021.

(Mohit Kumar Shah, J)

Ajay/Sonal-

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