

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23616 of 2022

Arising Out of PS. Case No.-526 Year-2021 Thana- JAGDISHPUR District- Bhojpur

AKHTAR KHAN @ AKHATAR KHA Son of Late Hakik Khan Resident of
Village - Pasitoli, Ward no.03, P.O.- Jagdishpur, P.s.- Jagdishpur, Distt.-
Bhojpur. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar,Adv.
For the Opposite Party/s : Dr. Ajeet Kumar,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 04-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State, Dr. Ajeet Kumar.

The petitioner seeks regular bail in
connection with N.D.P.S. Case No. 14 of 2022,
arising out of Jagdishpur P.S. Case No. 526 of
2021, registered for the offence punishable under
Sections 21(a) and 21(b) of the N.D.P.S. Act, 1985.

The allegation is regarding the informant
along with other police personnel having received
secret information that the petitioner is selling
heroine, whereafter they had gone to the alleged
place of occurrence and chased the petitioner and
arrested him. It is further alleged that upon
search, 11.36 grams of heroin was recovered from
the possession of the petitioner (Akhtar Khan).



The petitioner is stated to have been interrogated by the police, whereupon he disclosed that he used to sell heroin which was being supplied by the co-accused persons, namely, Binod Chaudhary and Shiv Gopal Kumar.

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 15.12.2021. The learned counsel for the petitioner has further submitted that the quantity of ganja, recovered from the possession 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. 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 fact that the quantity of ganja, 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, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since more than 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 3rd, Additional District and Session Judge, Bhojpur in connection with N.D.P.S. Case No. 14 of 2022, arising out of Jagdishpur P.S. Case No. 526 of 2021.

(Mohit Kumar Shah, J)

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