

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27732 of 2023

Arising Out of PS. Case No.-911 Year-2022 Thana- NAGAR District- Vaishali

Vimal Kumar Mahto @Vimal Kumar Bantha @ Bantha Son of Late Dashai
Mahto R/o Mohalla- Nakhas Chowk, Mitha Kuan PS- Hajipur Town, Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suruchi Anand, Adv. With
	:	Mr. Nidhi Anand, Adv.
For the Opposite Party/s	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Hazipur Town P.S. Case No. 911 of 2022 (N.D.P.S. Case No.05
of 2023 dated 05.12.2022 lodged under Sections 8(C) /21(b) /
22(b) of N.D.P.S. Act.

As per the prosecution case, the total recovery of
14.20 Gram of smack is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Learned
counsel submits that the entire prosecution has been lodged in
gross violation of Section 100 of Cr.P.C. and Section 50 of the
N.D.P.S. Act. Counsel further submits that the said quantity

14.20 Gram is between small and the commercial quantity. As for the smack, the small quantity is 5 gram and commercial quantity is 250 Gram.

Counsel further submits that there is one criminal case pending against the petitioner in which he is on bail and petitioner is in custody since 06.12.2022. Counsel further submits that charge-sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that the quantity of smack lies between small and commercial quantity.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Session Judge-I, Vaishali at Hajipur in connection with Hazipur Town P.S. Case No. 911 of 2022 (N.D.P.S. Case No.05 of 2023), subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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