

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24790 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- SIKARPUR District- West Champaran

1. BHUNESHWAR MANJHI SON OF JAI KISHUN MANJHI R/O VILLAGE- KOTWA, WARD NO.-05, P.S.- BHANGAHA, DISTRICT- WEST CHAMPARAN
2. ASHOK KUMAR PASWAN SON OF GOI LAL PASWAN R/O VILLAGE- KOTWA, WARD NO.-05, P.S.- BHANGAHA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-01-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Shikarpur P.S. Case No. 08 of 2022 for the offence registered under Sections 20(b)(ii) (B) 23(B) and 29 of the N.D.P.S. Act.

The case of the prosecution, in brief, is that while the informant, who is the Sub-Inspector of Police, Shikarpur Police Station, was on patrolling duty along with other constables on 03.01.2022, he received secret information that



three persons were coming on a motorcycle carrying objectionable articles, whereafter the informant along with other police personnel had started checking vehicles at the alleged place of occurrence and had apprehended the petitioners and one another person and upon search, five kg. Ganja was recovered from the possession of the petitioner no. 2.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 04.01.2022. The learned counsel for the petitioners has submitted that as far as the petitioner no. 1 is concerned, there is no recovery, however, as far as the petitioner no. 2 is concerned, 5 kg. Ganja has been recovered, which is much less than the commercial quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, hence there is no impediment in grant of bail to the petitioner no. 2 as well. Lastly, it is



submitted that considering the period of incarceration of the petitioners herein, a sympathetic view may be taken for the purpose of grant of bail to the petitioners.

Per contra, the learned A.P.P. 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 petitioners and taking into account the materials available on record as also considering the fact that as far as the petitioner no. 1 is concerned, there is no recovery of any psychotropic substance and as far as the petitioner no.2 is concerned, the quantity of Ganja recovered 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 petitioners are having a clean antecedent and are languishing in custody since 04.01.2022, I deem it fit and proper to admit the petitioners to the privilege of bail.

Accordingly, the petitioners, above named,



are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Session Judge, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 08 of 2022.

(Mohit Kumar Shah, J)

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