

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26756 of 2022

Arising Out of PS. Case No.-250 Year-2021 Thana- PAROO District- Muzaffarpur

RATNESH KUMAR @ BHUTKUN SON OF KISHORE RAM R/O- VILL-
SRIRAMPUR, P.S.- KATHAIYA, DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Paroo P.S. Case No. 250/2021, registered for the offence punishable under Sections 399, 402, 414, 34 of the Indian Penal Code, Sections 25(1-B)a 26/ 35 of the Arms Act and Sections 20/22 of the NDPS Act.

The case of the prosecution, in brief, is that the police force had raided the house of one Umesh Rai from where the petitioner was also apprehended and 5.2 kg. of ganja, a sum of Rs. 10,000/-, one loaded pistol, 3 live cartridges and



one loaded magazine were 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 15.7.2021. The learned counsel for the petitioner has further submitted that the petitioner has a fair antecedent, inasmuch as he is an accused in only one case. It is further submitted that the petitioner has been languishing in custody since more than one year, hence, some sympathy be shown. It is also submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court, vide orders dated 7.4.2022 and 13.5.2022, passed in Criminal Miscellaneous No. 7134 of 2022 and Criminal Miscellaneous No. 16124 of 2022. It is next contended 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 NDPS Act, 1985 i.e. 20 kg., hence, the bar under



Section 37 of the NDPS Act, 1985 shall not preclude this Court from granting bail to the petitioner herein.

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, this Court finds that the quantity of ganja, recovered from the possession of the petitioner, is much less than the commercial quantity prescribed in the schedule notified under the provisions of the NDPS Act, 1985, hence, there is no impediment in grant of bail to the petitioner herein, apart from the fact that the petitioner is languishing in custody since more than one year, thus, 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 Special Judge, NDPS, Muzaffarpur in connection with Paroo P.S. Case No. 250/2021.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

