

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32705 of 2022

Arising Out of PS. Case No.-249 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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RAHUL TIWARI SON OF BIRENDRA TIWARI R/O VILLAGE- BARKA
KHAREYA RAMPUR, P.S.- KUCHAIKOTE, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE UNION OF INDIA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 25-01-2023 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection
with Gopalganj (Town) PS case no. 249 of 2022 instituted for the
offences punishable under Sections 8, 20(b)(ii)(B) of N.D.P.S.
Act, 1985.

The allegation is regarding the petitioner having
been apprehended by the police and upon search, 250 grams of
charas like substance was recovered.

The learned counsel for the petitioner submits that
the petitioner is innocent, has been falsely implicated in the
present case and is languishing in custody since 31.03.2022. The
learned counsel for the petitioner has further submitted that the



petitioner is an accused in one another case but he is on bail in the said case. It is also submitted that the quantity of *charas* 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. 01 kg, hence, there is no impediment in grant of bail to the petitioner herein.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that even the report of the Regional Forensic Science Laboratory, Bihar at Muzaffarpur dated 13.12.2021 shows the substance recovered from the petitioner to be *charas*.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the quantity of *charas* 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 deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed



to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of District and Sessions Judge-cum-Special Judge, N.D.P.S. Act, Gopalganj in connection with Gopalganj (Town) PS case no. 249 of 2022.

(Mohit Kumar Shah, J)

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