

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32427 of 2022

Arising Out of PS. Case No.-405 Year-2021 Thana- GHORASAHAN District- East
Champaran

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1. SHAMEER SAH @ CHELWA SON OF LATE MUSTAFA DEWAN R/O VILLAGE-PAKAI TOLA, P.S.- GHORASAHAN, DISTRICT- EAST CHAMPARAN
 2. SALMAN SAH @ VAILA SON OF LATE MUSTAFA DEWAN R/O VILLAGE-PAKAI TOLA, P.S.- GHORASAHAN, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party/s	:	Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

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

The petitioners seek regular bail in connection with Ghorasahan PS case no. 405 of 2021 instituted for the offences punishable under Sections 8, 20(b)(ii)(c) of N.D.P.S. Act.

The case of the prosecution in brief is that on the alleged date and time of occurrence, the police had apprehended the petitioners and upon search, one motorcycle was recovered, apart from recovery of 1513 grams of charas from the petitioner no. 1 and 1491 grams of charas from the



petitioner no. 2.

The learned Senior counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 19.09.2021. The learned Senior counsel for the petitioner has further submitted that on account of malafide motives, the petitioners have been implicated in the present case only because they are having bad antecedents, hence, benefit of doubt can be granted 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 parties and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that the quantity of charas recovered from the petitioners is much more 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, considering the stringent provisions contained in Section 37(1)(b) of the N.D.P.S. Act, I am not inclined to grant bail to



the petitioners herein, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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