

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34707 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- BHANGHA District- West Champaran

BIRAN KUMAR KUSHWAHA @ BIRAN KUMAR S/o Rameshwar Mahto
R/o village- Shihpur, P.S.- Sathi, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner seeks regular bail in connection with Bhangaha PS case no. 19 of 2022 instituted for the offences punishable under Sections 20, 22, 23, 24, 27 of N.D.P.S. Act.

The allegation is regarding the police having apprehended the petitioner on the alleged date and time of occurrence and upon search, 18 kg. of ganja was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is



languishing in custody since 30.03.2022. The learned counsel for the petitioner has further submitted that the quantity of ganja seized from the possession of the petitioner is less than 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, especially considering the period of his incarceration.

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 fact that the quantity of ganja seized from the possession of the petitioner is less than commercial quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985 i.e. 20 kg, apart from that the petitioner is having a clean antecedent, I deem it fit and appropriate to enlarge the petitioner on 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 Additional District



and Sessions Judge-3rd, Bettiah (West Champaran) in
connection with Bhangaha PS case no. 19 of 2022.

(Mohit Kumar Shah, J)

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