

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35722 of 2022

Arising Out of PS. Case No.-285 Year-2019 Thana- NAYA RAM NAGAR District- Munger

CHANDAN KUMAR @ CHANDAN YADAV Son of Devki Yadav Resident
of Village/Muhalla - Sherpur Chandiasthan, P.S.- Kotwali, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh, Advocate

For the Opposite Party/s : Mr.Yogendra 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 Naya Ram Nagar (Safia Sarai) PS case no. 285 of 2019
instituted for the offences punishable under Sections 20/22 of
N.D.P.S. Act.

The allegation is regarding the informant having
received secret information that a boy, on a blue-coloured
Apache motorcycle, is coming from Munger with ganja,
whereupon the informant along with his police force had started
checking vehicles and at about 12.50 pm, had apprehended the
petitioner and on search, 4.560 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 and he is languishing in custody since 11.03.2022.

The learned counsel for the petitioner has further submitted that the petitioner is having fair antecedent, inasmuch he is an accused in one another criminal case but he is on bail in the said case. Lastly, it is submitted that the quantity of ganja seized from the petitioner is much 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.

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, this Court finds that the quantity of ganja seized 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. 20 kg., apart from the fact that the petitioner is having a fair antecedent and is languishing in custody since 11.03.2022, hence, 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 Sessions Judge, Munger in connection with Naya Ram Nagar (Safia Sarai) PS case no. 285 of 2019.

(Mohit Kumar Shah, J)

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