

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38192 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- AKBARPUR District- Nawada

RAKESH RANJAN @ RAKESH KUMAR S/O BHOLA SINGH R/O
Village- Paharpur, PS. Akbarpur in the Dist. of Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-07-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Akbarpur P.S. Case No. 25 of 2023, registered for the offences punishable under Sections 8(b)/20(a)(b) of the N.D.P.S. Act.
3. The allegation is regarding recovery of ganja plant from the house of the petitioner.
4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that though the petitioner is an accused



in two other criminal cases but he is on bail in the said two cases. It is also submitted that the actual quantity of ganja recovered is much less than the commercial quantity of 20 kgs. Lastly, the learned counsel for the petitioner has submitted that the weight of the plant in question has been found to be 11.304 kgs., however, the quantity of ganja which can be extracted from the same, is much less and in any view of the matter, the commercial quantity prescribed in the Schedule notified under the provisions of the N.D.P.S. Act, 1985 is 20 kgs., hence there is no impediment in grant of anticipatory bail to the petitioner herein.

5. Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. 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 recovered from the



house of the petitioner in the form of a ganja plant is much less than the commercial quantity defined in the Schedule notified under the provisions of the NDPS Act, 1985, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Nawada in connection with Akbarpur P.S. Case No. 25 of 2023, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

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

