

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42133 of 2023

Arising Out of PS. Case No.-340 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

JITENDRA SAHNI Son of Jagdish Sahni Resident of vilage-Madhopur
Hajari, P.S.-Sahebganj, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-07-2023 Heard the learned counsel for the petitioner and the

learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Sahebganj PS case no. 340 of 2021, registered under Sections 8, 20, 22 of N.D.P.S. Act, inasmuch as the earlier petition filed by the petitioner for grant of bail was permitted to be withdrawn by this Court vide order dated 03.01.2023, passed in Cr. Misc. no. 16068 of 2022 in order to enable the petitioner to file fresh bail petition before the learned court below.

The allegation is regarding the petitioner having been apprehended by the informant and his police force and on search, 500 grams of *charas* was recovered from his possession.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in



the present case and is languishing in custody since 15.07.2021. The learned counsel for the petitioner has further 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, inasmuch as the commercial quantity is 01 kg whereas only 500 grams *charas* has been recovered from the possession of the petitioner, hence, it is submitted that considering the period of incarceration of the petitioner, the petitioner be granted the privilege of 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 *charas* recovered from the possession of the petitioner is much less than the commercial quantity of *charas* defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, apart from the fact that the petitioner is languishing in custody since about 02 years, 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 Additional Sessions Judge, Muzaffarpur in connection with Sahebganj PS case no. 340 of 2021.

(Mohit Kumar Shah, J)

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