

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40330 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

1. AMAR NATH RAM @ PAPPU SON OF NAND JEE RAM R/O VILLAGE-MILKI KOTHI, P.S.-UDWANTNAGAR, DISTRICT-BHOJPUR
2. BIRENDRA PASWAN @ KALA SON OF ABADH BIHARI PASWAN @ ABADH BIHARI RAM R/O VILLAGE-MILKI KOTHI, P.S.-UDWANTNAGAR, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-01-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Udwant Nagar (Gajraj Ganj) P.S. Case No. 61 of 2022 for the offence registered under Sections 20(b) (II) (a) and 29 of the Narcotic Drugs and Psychotropic Substance Act.

The allegation is regarding the police having apprehended the petitioners and thereafter a search of their house was conducted from where 500 gram Ganja and 7 gram heroin were recovered.



The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 11.02.2022. It is further submitted that the quantity of ganja seized from the house of the petitioners is less than the minor quantity defined in the Schedule notified under the provisions of the NDPS Act, 1985, while the quantity of Heroine seized is much less than the quantity defined in the Schedule notified under the provisions of the NDPS Act i.e. 250 gm, hence, there is no impediment in granting bail to the petitioners herein.

Per contra, the learned A.P.P. 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 petitioners and taking into account the materials available on record as also considering the fact that the petitioners are having a clean antecedent



and the quantity of ganja/heroine seized from the house of the petitioners is less than the minor quantity defined in the Schedule notified under the provisions of the NDPS Act, 1985, I deem it fit and proper to admit the petitioners to the privilege of bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Bhojpur, Ara in connection with N.D.P.S. Case No. 45 of 2022 arising out of Udwant Nagar (Gajraj Ganj) P.S. Case No. 61 of 2022.

(Mohit Kumar Shah, J)

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