

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41451 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- SIMRI District- Buxar

MANOJ KUMAR Son of Rajdhari Kunwar Resident of Village - Dumri, P.s.-
Simri, Distt.- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Choubey

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Simri P.S. Case No. 191/2022, registered for the offence punishable under Sections 8/20(b)(ii)(B) of the NDPS Act.

The allegation is regarding the informant having apprehended the petitioner from his house and upon search, 5.200 kg. of ganja like intoxicating substance, one scale, cash amount of Rs. 5,000/- etc. were recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has



been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 17.5.2022. The learned counsel for the petitioner has further submitted that the quantity of ganja, recovered from the house of the petitioner, is much less than the commercial quantity defined in the schedule notified under the provisions of the NDPS 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 petitioner and taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent and the quantity of ganja, recovered from the house of the petitioner, is much less than the commercial quantity defined in the schedule notified under the provisions of the NDPS Act,



1985 i.e. 20 kg., I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District Judge, Special Court, NDPS Act Buxar in connection with Simri P.S. Case No. 191 of 2022.

(Mohit Kumar Shah, J)

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