

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46270 of 2023

Arising Out of PS. Case No.-369 Year-2021 Thana- BAJPATI District- Sitamarhi

Angad Raut @ Dhaman Raut Son of Mishri Raut Resident of Village-
Sursand, Ward No. 18, P.S. Sursand, District-Sitamarhi

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home, Narcotic
Drugs Control Bureau, New Delhi
2. The State of Bihar through the Department of Narcotic Drugs Control
Bureau, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar, Advocate
For the Opposite Party/s	:	Mr. K.N Singh (Asg)
For Union of India	:	Mr. Manoj Kumar Singh (C.G.C.)
		Mr. Ankit Kumar Singh (JC)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. This is the second prayer of bail on behalf of
petitioner after rejection of his earlier prayer of bail through Cr.
Misc. No. 32759 of 2022 vide order dated 14.11.2022 with a
liberty to renew the prayer of bail after six months.

3. It is submitted by learned counsel appearing on
behalf of the petitioner that while rejecting the earlier prayer of
bail perhaps the seizure list was not taken into consideration and if
it is so then certainly for any weight of plastic wrapper the
quantity of contraband i.e. *Charas* would come down to 01 Kg,
less than commercial quantity and as such the rigorous provisions



of Section 37 of N.D.P.S. Act not appears applicable in present case as it was observed earlier. It is submitted that despite specific direction, matter is listed for appearance of accused person, where trial is a remote aspect.

4. Learned counsel appearing on behalf of the Union of India fairly conceded the fact that by taking note of any weight for plastic wrapper, the quantity of contraband be certainly come down to 01 Kg, which is commercial quantity for *Charas*.

5. Considering the facts and circumstances as mentioned above, as trial was not concluded within specified period of time as directed and as such petitioner cannot be kept behind bar for indefinite period of time, accordingly, above named petitioner is directed to be released on bail in connection with N.D.P.S. Trial No. 78/2022 arising out of Bajpatti P.S. Case No. 369 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Sitamarhi/ concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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