

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46642 of 2022

Arising Out of PS. Case No.-284 Year-2022 Thana- BODHGAYA District- Gaya

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AJAY SAW Son of Sarju Saw Resident of Village - Nadarpur, P.s.- Barachatti,
District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kr. Sinha

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Bodh Gaya P.S. Case No. 284 of 2022, registered for the offence punishable under Sections 18/20/22 of the NDPS Act.

The allegation is regarding the police having apprehended the petitioner and one another person, who were travelling on a motorcycle and upon search, 236 grams of opium (Afim) was recovered from the petitioner while 764 grams of opium (Afim) was recovered from the co-accused person, namely, Ankush Kumar.



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 30.5.2022. The learned counsel for the petitioner has further submitted that the quantity of opium, recovered from the possession of the petitioner, is much less than the commercial quantity defined in the schedule notified under the provisions of the NDPS Act, 1985, which is 2.5 kg., 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 on record as also considering the fact that the quantity of opium, recovered from the possession of the petitioner, is much less than the commercial quantity defined in the schedule



notified under the provisions of the NDPS Act, 1985, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since about seven months, 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 S.J. cum Special Judge NDPS Act, Gaya in connection with Bodh Gaya P.S. Case No. 284 of 2022.

(Mohit Kumar Shah, J)

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