

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59995 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- RAJIVNAGAR District- Patna

=====

DINESH KUMAR Son of Late Shiv Kumar Singh Resident of Village -
Madhuan, P.S.- Turki, Distt.- Muzaffarpur, At Present - Rajiv Nagar, Road
No.6, P.s.- Rajiv Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kameshwar Singh, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 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 Rajiv Nagar PS case no. 246 of 2022 instituted for the
offences punishable under Sections 8, 20(b)(ii)(B), 25, 27(a), 29 of
N.D.P.S. Act, 1985.

The case of the prosecution in brief, according to
the informant, is that on 24.05.2022 at about 9 pm, he received
secret information that sale and purchase of ganja is taking place at
Gandhi Nagar, Kanchanpuri, whereafter, he along with the police
had gone to the alleged place of occurrence and had apprehended
the accused persons namely Manoj Kumar and Raju Kumar. The
police force had then conducted a search in the room adjacent to
the house of the said Manoj Kumar and from there, one electronic



weighing machine, 05 kg ganja and a sum of Rs. 2,10,655/- was recovered apart from recovery of Rs. 21,675/- worth of change from a plastic sack. It is also alleged that 1.400 gm. of ganja was also seized from a Baleno vehicle apart from recovery of mobile phones and a scooty. It is further alleged that the apprehended co-accused persons, upon interrogation, had disclosed that they used to buy ganja from the petitioner, whereafter, the police had gone to his house, apprehended him and had conducted a search in his house and 04 kg. of ganja, one weighing scale and a sum of Rs. 7,89,710/- was recovered apart from recovery of mobile phone, motorcycle and other articles.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 26.05.2022. The learned counsel for the petitioner has further submitted that the petitioner is accused in one other case but he is on bail in the said case. It is also submitted that the quantity of ganja seized from the house of the petitioner i.e. 4 kg is much less than the commercial quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, hence, there is no impediment in grant of bail to the petitioner herein.

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 parties and taking into account the materials available, this Court finds that the quantity of ganja seized from the house 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, hence, the provisions contained under Section 37(1)(b) of the N.D.P.S. Act, 1985 shall not be an impediment for the purposes of grant of bail to the petitioner herein, hence 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-XIII, Special N.D.P.S. Judge, Patna in connection with Rajiv Nagar PS case no. 246 of 2022.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

