

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54035 of 2022

Arising Out of PS. Case No.-771 Year-2021 Thana- KHAJANCHI HAT District- Purnia

BIRENDRA KUMAR MAHTO SON OF LATE JAGDISH MAHTO R/O
VILLAGE- MURGI FARAM ROAD, P.S.- K.HAT, DISTRICT- PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 8(c) and 21(b) of the N.D.P.S.
Act.

The informant alleges that 9 grams of heroin was
recovered from the house of the petitioner and his wife Nitu Kumari
was arrested who disclosed that the narcotic was brought by her
husband (petitioner) for selling.

Learned counsel for the petitioner submits that the
petitioner is in custody since 24.08.2022 and is a person with clean
antecedent.

Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing was



recovered from his conscious possession, it is next submitted that even presuming what has been alleged is true, without admitting, then the allegation is that the petitioner had got 9 grams of heroin which is a little more than small quantity but much less than commercial quantity and, as such, the rigors of Section 37 of the N.D.P.S. Act would not apply, it is next submitted that the wife of the petitioner was also taken in custody who was arrested from the spot and she has been granted regular bail by order dated 20.04.2022 in Cr. Misc. No. 62585 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khajanchi Hut P.S. Case No. 771 of 2021.

(Satyavrat Verma, J)

HarshPandey/-

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