

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55319 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- BAISI District- Purnia

Mohd. Jisan Son Of Mohd. Atiq Resident At Moradabad, Police Station -
Nagfani, District - Moradabad (UTTAR Pradesh)

... .. Petitioner/S

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Baisi
P.S. Case No. 193 of 2023 (Special (NDPS Act) Case No. 52 of
2023) dated 10.05.2023, instituted for the offence punishable
under Sections 8/20(b) (ii) (B) of the Narcotic Drugs and
Psychotropic Substances Act.

3. The allegation is of recovery of 5.300 kg *ganja* like
substance from the bag of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely implicated in this case.
It is further submitted that petitioner was one of the passengers
of the said bus from where the alleged bag was recovered.
Learned counsel further submits that the informant has failed to



recover any admissible evidence to connect the seized bags to the petitioner. It is further stated that 5.300 kg *ganja* like substance is not a commercial quantity, therefore, the provision of Section 37 of the N.D.P.S. Act is not applicable in this case. Lastly, it has been submitted that the petitioner is in custody since 11.05.2023, having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of the 2nd Additional Sessions Judge cum Special (NDPS Act) Judge, Purnea in Baisi P.S. Case No. 193 of 2023 (Special (NDPS Act) Case No. 52 of 2023).

(Khatim Reza, J)

Sankalp/-

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