

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58506 of 2022

Arising Out of PS. Case No.-448 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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ARMAN ALI Son of Md. Hasmudin @ Hashmudin Resident of Village -
Nawada Parsauni, P.S.- Uchakagaon, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India Government of India

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Javed Aslam, Advocate
For the State	:	Mrs. Sangeeta Sharma, A.P.P.
For the U.O.I.	:	Mr. Anshuman Singh, Advocate
		Mr. Ranjan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Trial No. 38 of 2022 arising out of Gopalganj Town P.S. Case No. 448 of 2022 for the offence registered under Sections 8 and 20 (b) (ii) (B) of the N.D.P.S. Act.

The allegation is regarding recovery of 250 gram of Charas from the petitioner after he was apprehended by the police and search was made.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has



been falsely implicated in the present case and he is languishing in custody since 06.06.2022. It is further submitted that though the petitioner is an accused in three other cases but he is on bail in all the said three criminal cases. Lastly, it is submitted that the quantity of Charas seized from the petitioner is much less than the commercial quantity defined in the schedule notified under the provisions of the NDPS Act, 1985 i.e. one kg, hence, there is no impediment in grant of bail to the petitioner herein.

Per contra, the learned A.P.P. 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 available on record as also considering the fact that the quantity of Charas recovered from the petitioner is much less than the commercial quantity specified in the schedule notified under the provisions of the N.D.P.S. Act, 1985, i.e. one



kg., apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Gopalganj in connection with Trial No. 38 of 2022, arising out of Gopalganj Town P.S. Case No. 448 of 2022.

(Mohit Kumar Shah, J)

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