

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74776 of 2022

Arising Out of PS. Case No.-233 Year-2022 Thana- PALIGANJ District- Patna

Akash Kumar S/o Mithlesh Kumar, resident of Akhtiyarpur, P.S- Paliganj,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Prem Kumar, Advocate Mr. Girish Singh, Advocate
For the Opposite Party/s :		Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 13-04-2023 Let the defect(s), if any, pointed out by the office be removed within four weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned senior counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Special (N.D.P.S.) Case No. 104 of 2022 arising out of Paliganj P.S. Case No. 233 of 2022 dated 05.06.2022 registered for the offences punishable under Sections 8, 20(b) (ii) (B), 8 (C) and 21 (b) of N.D.P.S. Act.

As per the prosecution, police personnel on secret



information raided the house of this petitioner and apprehended him and upon making search in total 11.164 kg. of narcotic material suspected to be 'Ganja' was recovered from the alleged house. Further upon making search on the petitioner 10.440 grams of narcotic material suspected to be 'smack' was recovered from his possession.

The main submissions advanced by the learned senior counsel for the petitioner are that as per the allegation the police received the information that the petitioner indulged in storing and selling of the alleged contraband and thereafter police personnel raided the house of this petitioner and the alleged materials believed to be narcotic drugs were recovered from the house of this petitioner but no evidence was found with regard to selling of the same and in actual the petitioner's house is a joint property in which petitioner and agnates of petitioner's father also reside and the said house is also in dilapidated condition and the seized contraband suspected to be ganja is alleged to have been recovered from the house of this petitioner not from the conscious possession of petitioner, though as per allegation 'smack' like substance is alleged to have been recovered from the conscious possession of the petitioner but the same is much lesser than the commercial quantity mentioned



in the N.D.P.S. Act and the alleged contraband suspected to be ganja is also lesser than commercial quantity. Further submission is that there is criminal antecedent of one case which was lodged under the offences of the Indian Penal Code and the petitioner has been languishing in jail since 06.06.2022 in the present matter.

Learned APP appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the petitioner's custody period and also the fact that as per the recovery memo 11.164 kg. narcotic material suspected to be 'Ganja' was allegedly recovered from the house of this petitioner and as per above submission the said house is stated to be in joint possession of family members of petitioner and only 10.440 gms. narcotic material suspected to be smack is stated to have been recovered from the conscious possession of this petitioner and the same comes in the purview of intermediate quantity, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner 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 the Court concerned in connection



with Special (N.D.P.S.) Case No. 104 of 2022 arising out of
Paliganj P.S. Case No. 233 of 2022.

(Shailendra Singh, J)

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