

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80968 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- CHACKMEHSI District- Samastipur

Ganesh Kumar Son Of Sanjay Ram R/O Village- Malinagar (BARGAMA),
P.S.- Chakmehasi, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8, 20(b)(ii) (B) of the NDPS Act and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Prosecution case relates to recovery of 1 kg and 66 grams of ganja along with one country made pistol and two live cartridges from the possession of this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner and also he has no concern with the seized articles. The recovered ganja does



not come within the purview of commercial quantity as per NDPS Act. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing custody since 04.06.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge if the charge is not framed** in connection with Chakmehsi P.S. Case No. 113 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Samastipur.

(Sunil Kumar Panwar, J)

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