

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11092 of 2016

Arising Out of PS.Case No. -361 Year- 2015 Thana -ARA NAGAR District- BHOJPUR

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Deepak Paswan S/o Raju Paswan R/o Vill- Gausganj PS Ara Nagar Distt Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 10-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 04.11.2015 in a case registered for the offences punishable under Section 21(b) of the NDPS Act.

The informant being S.I. of Police apprehended one Rambabu Mali on the information that he is selling Brown Sugar. From the possession of Rambabu Mali twenty one sachets of Brown Sugar were recovered. Rambabu Mali confessed that he purchased the contraband from the petitioner, consequently the house of the petitioner was raided and from there 12.8 gm. Brown Sugar was recovered.

It is submitted by learned counsel for the

petitioner that the recovery is from the joint family house. Brown Sugar is not included in the schedule of the NDPS Act, though, Heroin figures at serial no. 56 of the Schedule which suggests 5 grams as small quantity and 250 grams as commercial quantity but Brown Sugar contains 20% of the chemical component of Heroin. Though, usually Brown Sugar is treated at par with the Heroin. The petitioner has no criminal antecedent, statement to that effect has been made in paragraph 3 of the petition.

Considering the nature of recovery, this Court is not inclined to grant bail to the petitioner at present in connection with N.D.P.S. Case No. 10 of 2015 arising out of Ara (T) P.S. Case No. 361 of 2015 pending in the court of learned Sessions Judge, Bhojpur at Ara.

Accordingly, the prayer for bail of the petitioner is rejected. However, petitioner will be at liberty to renew the prayer for bail after remaining in custody for one year.

It is expected from the learned trial court to expedite the trial.

(Dinesh Kumar Singh, J)

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