

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48922 of 2016

Arising Out of PS.Case No. -346 Year- 2016 Thana -GAYA KOTWALI District- GAYA

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Sumeet Kumar @ Sumit Kumar Son of Manoj Prasad, resident of Village-
Naugarh, P.S.- Chandauti, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sourendra Pandey

For the Opposite Party/s : Mr. Sri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 23-12-2016 Heard Sri Sourendra Pandey, learned counsel for the

petitioner and Sri Arun Kumar, learned Additional Public

Prosecutor

The petitioner who is in custody in Kotwali (Gaya) P.S.

Case No. 346 of 2016 registered for the offence under section 17,

18 , 21, 22 of the Narcotic Drugs And Psychotropic Substances

Act has prayed for grant of bail.

By way of referring to statement made in paragraph no.

3 of the petition it was submitted that petitioner is having clean

antecedent and is aged about just above 16 years old . It has been

argued that even though no contraband article was recovered but

petitioner has been apprehended on an accusation of recovery of

heroin weighing 0.6 gram. By way of referring to the F.I.R. it was

argued by learned counsel for the petitioner that only on the basis



of naked eye the informant who is a police officer has come to the conclusion that seized article was heroin. Neither any testing kit was used nor till date opinion of expert has been obtained . In any event, it has been argued that the so called recovered heroin is much lesser than the small quantity as prescribed under the Narcotic Drugs And Psychotropic Substance Act.

Learned Additional Public Prosecutor though has opposed prayer for grant of bail he has not disputed the fact that recovered so -called heroin was about 0.6 grams.

In view of clean antecedent of the petitioner as mentioned in paragraph no. 3 of the petition , age as well as quantity of the so -called heroin which is much lesser than the smaller quantity, let the petitioner Sumeet Kumar @ Sumit Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of District & Sessions Judge, Gaya / concerned court in connection with Kotwali (Gaya) P.S. Case No. 346 of 2016.

(Rakesh Kumar, J)

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