

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56645 of 2017

Arising Out of PS.Case No. -259 Year- 2017 Thana -PATNA CITY CHOWK District- PATNA

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1. Pankaj Kumar, Son of Late Shiv Prakash Sharma, a resident of Village-
Sawai, P.S.- Dhanarua, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 12-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with Special
Case No. 132/2017, arising out of (Patna) Chowk P.S. Case No.
259/2017 dated 03.09.2017 instituted for the offences under
Sections 22 and 27 of the N.D.P.S. Act.

The petitioner was found to be in possession of 10gms
of narcotic substance, which has been described as Smack. In the
F.I.R., the valuation of the same has been assessed as Rs. 2200/-.

Learned counsel for the petitioner has submitted that he
has been arrested in this case on mere suspicion and in fact,
nothing was recovered from his possession. He further submits
that assuming that 10gms of narcotic substance was recovered
from him, it would come under small quantity. For *Charas* and



Hashish, the small quantity is 100gms, whereas for Heroin, the small quantity is 50gms. Since the valuation of 10gms has been assessed as Rs. 2200/- by the informant, it can be safely inferred that the commodity, which is said to have been recovered from the possession of the petitioner, is not heroin.

The petitioner is in custody since 05.09.2017 and does not bear any criminal antecedent.

Considering the aforesaid facts, the petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-cum-District & Sessions Judge, Patna in connection with Special Case No. 132/2017, arising out of Chowk P.S. Case No. 159/2017.

(Ashutosh Kumar, J.)

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