

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10340 of 2019

Arising Out of PS. Case No.-1027 Year-2018 Thana- AGAMKUAN District- Patna

ANSHU RAJ YADAV @ ANSHU RAI Son of Dharmendra Kumar Resident
of Bhupatipur, Dhelwan, P.S.- Ram Krishna Nagar, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirtyunjay Kumar
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
18.12.2018 in a case registered for the offences punishable
under Sections 21,27,29 of the NDPS Act.

The prosecution case got initiated on the basis of
written report dated 16.12.2018 submitted by A.S.I. Vijay
Kumar Singh to the Station House Officer, Agamkuan Police
Station is to the effect that on the same day, at 3.00 P.M.,
during patrolling, a secret information was received that three
persons are consuming 'Smack' when a raid was laid and three
persons, namely Ansuraj Yadav, who is petitioner before this
Court, co-accused Ranveer Kumar and Raubin Kumar were
arrested. On frisking, from the possession of all the three



apprehended accused persons one sachet each 'Smack' was recovered.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the conscious physical possession of the petitioner.

This Court is dismayed to find that the offences under the NDPS Act are weight/quantity based, but despise of that the police officers in the State's capital while registering the FIR under this Act are not mentioning the quantity and weight of the seized contraband, this reflects the callous manner in which the cases under the NDPS Act are being registered.

Let this fact be brought to the notice of Director General of Police, Bihar.

Considering the fact that the offences under the NDPS Act is weight/quantity based, but no weight of the seized contraband has been mentioned, coupled with statement



made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named 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 learned Sessions Judge/Special Judge, Patna in connection with Special Case No. 144 of 2018 (NDPS) Case, arising out of Agamkuan P.S. Case No.1027 of 2018.

(Dinesh Kumar Singh, J)

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