

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11848 of 2019**

Arising Out of PS. Case No.-498 Year-2018 Thana- BARACHATTI District- Gaya

Ashok Kumar S/o Shivan Yadav Resident of Village- Dhangai, P.S.-
Barachtti, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 26-02-2019 Heard the learned counsel for the petitioner and the
learned counsel for the State.

The petitioner seeks regular bail in connection
with Barachatti PS case no. 498 of 2018 registered for the
offence punishable under Sections 18, 20, 22 of N.D.P.S. Act.

The allegation is regarding recovery of 1.5 kg of
liquid Opium from the possession of the petitioner

The learned Senior counsel for the petitioner
submits that the commercial quantity prescribed under the
Schedule to the Narcotics Drugs and Psychotropic Substances
Act, 1985 is 2.5 kg., hence provisions contained in Section 37 of
the said Act is not required to be followed, as such lenient view
is required to be taken since the petitioner is having clean
antecedent and is languishing in custody since 25.07.2018. The



learned Senior Counsel further submits that while preparing the seizure list, the provision of Section 100 of Cr.P.C. has not been complied with.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the abovenamed petitioner is directed to be enlarged on regular bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (N.D.P.S. Act), Gaya in connection with Barachatti PS case no. 498 of 2018.

(Mohit Kumar Shah, J)

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