

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19397 of 2019**

Arising Out of PS. Case No.-780 Year-2018 Thana- KISHANGANJ District- Kishanganj

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Aashik Ali @ Aashif Ali, Son of Ahmad Hussain, Resident of Rail Gumti  
No.- 3, Chawal Mandi, P.S. and District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Kumar Uday Pratap

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      01-04-2019                      Heard learned counsels for the parties.

The petitioner is languishing in custody since 31.12.2018 in a case registered for the offences punishable under Sections 27 and 29 of N.D.P.S. Act and Section 04 of Bihar Ban on Lottery Act, 1993.

The prosecution case as per the written report A.S.I., Keshav Jha, submitted to SHO, Kishanganj Police Station is to the effect that on 28.12.2018 at about 7.50 P.M., a secret information was received that near Shiv Temple, some persons are consuming smack, whereupon, a raid was laid, and the petitioner was apprehended, from his possession four small packets of smack and fourteen lottery tickets were recovered. It



is further alleged that the petitioner confessed that he used to consume smack in the house of co-accused Kari @ Pawan Gupta along with the renters, whereupon, the house of Kari @ Pawan Gupta was raided and from there, co-accused Vikash Kumar and Manish Kumar were apprehended and though from their possession, nothing was recovered except some cigarettes. It is further alleged that the total of 670 mg of smack was recovered from possession of the petitioner.

It is submitted by learned counsel for the petitioner that the smack recovered from possession of the petitioner is between small and commercial quantity. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the fact that the said recovery is between small and commercial quantity, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named 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 the learned **Session Judge-cum-Special Judge**



**N.D.P.S. Act, Kishanganj** in connection with **Special Case**  
**No.17 of 2018** arising out of **Kishanganj P.S. Case No.780 of**  
**2018**

**(Dinesh Kumar Singh, J)**

Deepak/Rahul/-

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