

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10357 of 2020

Arising Out of PS. Case No.-559 Year-2019 Thana- ARA NAWADA District- Bhojpur

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DINESH PRASAD Son of Late Dwarika Prasad Resident of Village - Bihta,
P.S. - Imadpur, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 29-02-2020

Heard learned counsel for the parties.

This application for regular bail arises out of NDPS Case No. 13 of 2019 arising out of Ara Nawada P.S. Case No. 559 of 2019 disclosing offences punishable under Section 8/21(a) of the Narcotic Drugs and Psychotropic Substances Act, 1991.

Learned counsel for the petitioner has submitted, referring to the seizure list, that allegedly four gram of white powder in a polythene was recovered from the petitioner's possession. Allegedly, it appeared to the police to be heroin, which is a psychotropic substance.

He contends that, even if what is asserted in the F.I.R. was taken to be correct, the quantity of heroin seized from the petitioner's possession is less than small quantity, for which the



maximum punishment, as prescribed under Section 21(a) of the Act, is one year only.

The petitioner is in custody since 24.07.2019.

Learned Additional Public Prosecutor for the State has drawn my attention to the statement made by the petitioner in paragraph 3 of the application to submit that the petitioner has criminal antecedent of same nature.

Be that as it may, since I am, *prima facie*, satisfied with the submissions advanced on behalf of the petitioner, that the offence, which is made out on the basis of allegation in the F.I.R., is punishable for a maximum period of one year and the petitioner has already remained in custody for nearly seven months, this application is allowed.

Let the petitioner above named be released on bail 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, Bhojpur, Ara in connection with NDPS Case no.13 of 2019 arising out of Ara Nawada P.S. Case No. 559 of 2019.

(Chakradhari Sharan Singh, J)

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