

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19067 of 2020

Arising Out of PS. Case No.-566 Year-2019 Thana- PURNEA SADAR District- Purnia

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ARSHAD ALI @ RAJA Son of Wahid Ali Resident of Mohalla- Lalbagh
Purnea City, P.S.- Sadar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nadimul Hasan

For the Opposite Party/s : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2020

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Pranav Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Sadar P.S. Case No. 566 of 2019 for the offence punishable under Sections 8/21/22(b) of N.D.P.S. Act.

The case of the prosecution is that while the police officer was on patrolling duty, they saw that the driver of a blue coloured Maruti Suzuki Desire car was trying to flee away after seeing the police, hence, the police had apprehended the vehicle on suspicion whereafter search was made and various quantities



of smack (brown sugar) was recovered from the persons apprehended from the said vehicle and as far as the petitioner is concerned, though nothing was recovered from his possession, however, 12.25 gms. Of smack was recovered from the car, which was kept beneath the dash board of car. The petitioner is stated to be driver of the said car.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 08.11.2019. The learned counsel for the petitioner has further submitted that commercial quantity of smack is 250 gms. as per N.D.P.S. Act, 1985 and therefore, since 12.25 grams of smack was recovered from the car, though not from the conscious possession of the petitioner, benefit of doubt can be given to the petitioner for the purposes of grant of regular bail.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the petitioner and taking into account the fact that the petitioner is having a clean antecedent and the quantity of smack



recovered from the car, which was being driven by the petitioner, is much less than the commercial quantity prescribed in the table to the N.D.P.S. Act, 1985, I deem it fit and proper to direct for release of the petitioner on regular bail.

According, the petitioner, above named, is directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum- Special Judge, Purnea in connection with Sadar P.S. Case No. 566 of 2019 (arising out of Special Case No. 31 of 2019).

(Mohit Kumar Shah, J)

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