

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21960 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- BRAHMPUR District- Buxar

=====

BINAY PASWAN S/O Late Bhagwan Paswan Resident of Village -
Brahampur, P.S.- Brahampur, District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh

For the Opposite Party/s : Mr.A.G

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Brahmampur P.S. Case No. 11 of 2020 for the offence registered under Sections 21/22(C) of the NDPS Act.

The case of the prosecution in brief is that on a secret information received by the police officials, the police force had raided the place of occurrence on the alleged date and time, however, the accused persons including the petitioner herein had escaped, nonetheless, 61.37 gram of heroin, cash amount



etc. was recovered from the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that as per Schedule to the NDPS Act, 1985, the quantity of heroin seized by the police does not fall within the category of commercial quantity, hence benefit of doubt can be granted to the petitioner and moreover the cash amount seized by the police pertains to the business dealings of the petitioner herein.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the quantity of heroin seized from the house of the petitioner is not a commercial quantity as per the Schedule to the NDPS Act, 1985, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four



weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Buxar-cum-Special Judge, N.D.P.S. Act, Buxar in connection with Brahampur P.S. Case No. 11 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

