

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27090 of 2020**

Arising Out of PS. Case No.-300 Year-2019 Thana- BARACHATTI District- Gaya

BINOD YADAV Son of Tilak Yadav Resident of Village- Piprahi, P.S.-
Barachatti, District- Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
 2. The union of India through Narcotics Commiossioner, New Delhi. India
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr. Mrs. Anita Kumari Singh, APP

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

2 13-11-2020 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 Mrs. Anita Kumari Singh, the learned A.P.P. appearing for the State.

The petitioner apprehends his arrest in connection with Barachatti P.S. Case No. 300 of 2019 for the offence punishable under Sections 15, 18, 20 and 22 of the Narcotics Drugs and Psychotropic Substance Act (in short N.D.P.S. Act), 1985.

The informant, who is the A.S.I., Barachatti police station, received a secret information that the petitioner herein



and the co-accused persons namely Arjun Yadav and Arvind Yadav were engaging in illegal business of liquid Opium and Doda, whereafter the informant had constituted a raiding party and had gone to village- Piprahi where some people of the vicinity had assembled and had apprised the police party about the address of the petitioner. It is further alleged that the police party then conducted a raid at the house of the petitioner and upon search 3.500 Kg. of liquid opium was recovered from the house of the petitioner. It is further alleged that thereafter the police had conducted raid at the house of the co-accused persons namely Arjun Yadav and Arvind Yadad and upon search three bags containing 9 kg., 18 kg and 20 kg of Doda and opium respectively were recovered from their houses.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that no recovery of opium and Doda was made from the conscious possession of the petitioner, hence, he is liable to be granted the privilege of anticipatory bail.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail.



Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the fact that the quantity of opium recovered from the house of the petitioner is 3.500 kg. which is much more than the commercial quantity i.e. 2.5 kg, as has been prescribed in the schedule to the N.D.P.S. Act, 1985, apart from the stringent provisions of Law contained under Section 37 of the N.D.P.S. Act, 1985, I do not find the present case to be a fit case for grant of anticipatory bail, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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