

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27870 of 2020

Arising Out of PS. Case No.-131 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

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FEROZE @ CHAWANI ANSARI @ FIROJ Son of Hayat Ansari Resident of
Village - Bhabua Ward no- 22, P.S.- Bhabua, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh

For the Opposite Party/s : Mr. Anand Mohan Mehta

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-11-2020 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 Shri Anand Mohan Mehta, the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Bhabua P.S. Case No. 131 of 2020 for the offence registered under Sections 18, 21, 21(B) & 27 of the NDPS Act.

The petitioner is alleged to have been apprehended by the police and upon search 9.10 gram of heroin, cash totalling to a sum of Rs. 150/- and one mobile was recovered from his possession.

The learned counsel for the petitioner has submitted



that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 27.02.2020. It is further submitted that the quantity of heroin alleged to have been recovered from the possession of the petitioner is much less than the commercial quantity as defined in the Schedule to the N.D.P.S. Act, 1985, hence there is no impediment in granting the privilege of bail to the petitioner herein.

Per contra, the learned counsel 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 recovered from the possession of the petitioner is much less than the commercial quantity as defined in the Schedule to the N.D.P.S. Act, 1985, the bar under Section 37 of the said Act, 1985 shall not be an impediment in grant of bail to the petitioner herein and moreover the petitioner is languishing in custody since 27.02.2020, hence I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to 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 learned Session Judge-cum-Special Judge,
Kaimur at Bhabua in connection with Bhabua P.S. Case No.
131 of 2020.

(Mohit Kumar Shah, J)

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