

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85139 of 2019

Arising Out of PS. Case No.-476 Year-2019 Thana- ARA NAGAR District- Bhojpur

JAI CHANDRA PASWAN Son of Rajkumar Paswan Resident of Village -
Gaisganj (Ara), P.S.- Ara Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Ara Nagar P.S. Case No. 476 of 2019, registered for the offence punishable under Section 21(b) of the NDPS Act.

The allegation is regarding recovery of 46.10 gm. of heroin from the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. It is submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. It is also submitted that upon disclosure made by the brother of the petitioner regarding heroin being present in the room of the petitioner, the said



heroin is stated to have been recovered from the room of the petitioner, hence, false implication of the petitioner cannot be ruled out. Lastly, it is submitted that the commercial quantity prescribed in the Schedule to the N.D.P.S. Act 1985 as far as heroin is concerned is 250 gm., however, the quantity of heroin recovered from the room of the petitioner is much less than the commercial quantity, thus, there is no impediment in grant of anticipatory bail to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that the quantity of heroin recovered from the house of the petitioner is less than the commercial quantity prescribed in the Schedule to the N.D.P.S Act, 1985, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Bhojpur at Ara in connection with Ara Nagar



P.S. Case No. 476 of 2019, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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