

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40384 of 2020

Arising Out of PS. Case No.-202 Year-2020 Thana- DELHA District- Gaya

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Pankaj Singh, son of Kishori Singh, r/o Village Kaler, P.S. - Magadh Medical,
District – Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Ms, Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 29-04-2021 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

The petitioner seeks regular bail in connection with

Delha Police Station Case No. 202 of 2020, disclosing offences

under Sections 21(b)/27/29 of the Narcotic Drugs and

Psychotropic Substances Act, 1985.

The allegation, as per the First Information Report, is

that the police arrested the petitioner along with two other

persons and recovered a total quantity of 45 sachets, containing

smack/heroin, from their possession and as per the seizure list,

10 sachets of smack/heroin was recovered from the possession

of the petitioner and the weight of all the sachets recovered from

the accused persons, including the petitioner, has been



mentioned as 35, in which altogether 05 gm. of smack/heroin was found.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent of similar nature and from the seizure list, it appears that only 05 gm. of smack/heroin was recovered from all the accused persons, including the petitioner and if the quantity of smack/heroin recovered from the possession of the petitioner is taken into account on the basis of proportion, the weight of smack/heroin recovered from the possession of the petitioner would come to only 01.10 gm, which is less than the small quantity, mentioned in the Act and its Schedule, as the small quantity mentioned in the Act and its Schedule is 05 gm. He further submits that the smack/heroin recovered from the possession of the petitioner can be said to be for personal consumption inasmuch as from the First Information Report, it would be evident that the petitioner, along with others, was found smoking something by the police.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that altogether 05 gm. of smack/heroin was recovered from the possession of all the three accused persons and the quantity of smack/heroin recovered from the possession of the petitioner



comes to less than the small quantity and the petitioner is in custody since 12.09.2020, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, 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 Special Judge, NDPS, Gaya in connection with Delha Police Station Case No. 202 of 2020.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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