

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46695 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- BUDDHACOLONY District- Patna

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ARUN KUMAR S/o- Indrajit Paswan @ Indrajeet Paswan Resident of Village- Boring Road Chauraha, renter in the house of Prakash Varma, P.S.- Bhudha Colony, Dist- Patna. Parmanent Address- Salumpur Barara, P.S.- Sosaray, Dist- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satrudhan Kumar, Adv.

For the Opposite Party/s : Mr.Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Special Case No. 8/21 (arising out of Budha Colony P.S. Case No. 24/21), registered for the offence punishable under Sections 20/21(a)/22 of the NDPS Act.

The allegation is regarding the police having apprehended the petitioner and upon search, 6 gms. of smack like substance was recovered from his possession.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has



been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 23.1.2021. The learned counsel for the petitioner has further submitted that the quantity of smack / heroin, seized from the possession of the petitioner, is much less than the commercial quantity defined in the Schedule notified under the NDPS Act, 1985, hence, the bar under Section 37 of the NDPS Act, 1985 shall not be applicable in the present case, thus, there is no impediment in grant of bail to the petitioner herein.

Per contra, the learned APP 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 materials available on record as also considering the fact that the petitioner is having a clean antecedent and the quantity of smack / heroin, recovered from the possession of the petitioner, is much



less than the commercial quantity defined in the Schedule notified under the NDPS Act, 1985, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-XXIV, Patna in connection with Budha Colony P.S. Case No. 24/21 (Spl. Case No. 8/21).

(Mohit Kumar Shah, J)

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