

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53666 of 2021

Arising Out of PS. Case No.-245 Year-2021 Thana- NAWANAGAR District- Buxar

AKSHAY PASI Son of Vijay Pasi Resident of Village- Aathar, P.S.-
Nawanagar (Basudev O.P.), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudha Chandra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-05-2022 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 20(b)(II)(c) and 22(b) of the NDPS Act.

Recovery is of 22 packets of Heroin.

Learned counsel for the petitioner submits that the
petitioner, who is of clean antecedent, is innocent and has not
committed any offence. He further submits that according to the
F.I.R., 22 packets of Heroin (3 Gram) are said to have been recovered
from the possession of the petitioner and the alleged recovery is
less than even the small quantity. He, however, further submits that
nothing has been recovered from the conscious possession of the
petitioner and he has no concern with the alleged recovery of
Heroin. He also submits that the petitioner is not involved in any
illegal activity of narcotic substance like Heroin. He further submits



that the petitioner, who is of no fault, is rotting in judicial custody since 06.07.2021.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of this petitioner and submits that though the alleged recovery is said to be of small quantity but the same is duly confirmed by the F.S.L. report that the same is an addictive, intoxicating and narcotic substance like Heroin, which is strictly prohibited. He also submits that the petitioner seems to be engaged in illegal dealing of narcotic substance like Heroin.

Result of examination of Forensic Science Laboratory is as under;

“Heroin, a diacetyl derivative of morphine was detected in the brown powdery substances respectively as described above.

Heroin is an addictive, intoxicating and narcotics substances.”

This Court while refusing the prayer for bail of the petitioner comes to a question that if every body would be allowed to be enlarged on bail only on the ground of recovery of small quantity of any prohibited articles or narcotic substance, then what purpose would be served of having the N.D.P.S. Act, therefore, in order to safeguard the provisions and existence of N.D.P.S. Act, this Court would feel that more incarceration is required for the person, who is apprehended for having even small quantity of narcotic substance. This would be the glaring lesson for the youth of our society for the better understanding of



the prohibition. What is prohibited, is prohibited, irrespective of small or commercial.

Considering the facts and circumstances of the case and the recovery of Heroin from the possession of the petitioner, this Court is not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for grant of bail to the petitioner is rejected.

(Rajesh Kumar Verma, J)

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