

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65923 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

Tanveer Ansari S/O Hamid Ansari R/O Village- Majhariya, P.S- Buxar
Industrial Area, Distt.- Buxar.

... .. Petitioner/s

Versus

1. The Union Of India Through The Director, Ndps, Bihar. The Union Of India Through The Director Ndps Bihar Patna
2. The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Dr. Krishna Nandan Singh (A.S.G)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner, learned
counsel for the UOI and learned APP for the State.

2. This application has been filed on behalf of the petitioner for grant of regular bail in connection with Buxar Industrial Area P.S. Case No. 198 of 2023 registered for the offence under Sections 21(A)/22(A) of the N.D.P.S. Act.

3. As per the prosecution case 290 mg of Heroine has been recovered from the petitioner.

4. Learned counsel for the petitioner submits that the recovery is of small quantity and therefore punishment under Section 21(A) of the NDPS Act, 1985 is maximum of one year imprisonment or a fine which may be extended up to ten thousand rupees. The petitioner is in jail since 27.07.2023.

5. In these circumstances, learned counsel for the petitioner prays for and is granted permission to withdraw this



application to enable the petitioner to plead guilty before the trial Court for possessing small quantity of Heroine.

6. If such plea is taken by the petitioner before the trial Court by the petitioner then the trial Court will consider the fact that the petitioner has pleaded guilty and pass an order in accordance with law.

7. In case, the lawyer of the petitioner does not explain the law and its benefits to the petitioner then it is the duty of the trial Court to explain the law to the petitioner that he can be punished for a maximum period of one year for possessing small quantity of Heroine and he had already remained in custody for a period of more than four months.

8. The trial Court must consider all the aforesaid facts and thereafter pass necessary orders on the plea of the petitioner within a period of fifteen days from the date of receipt/communication of copy of this order.

9. With the aforesaid directions, this application is disposed of.

(Sandeep Kumar, J)

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