

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16374 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- D.R.I District- Patna

=====

Amit Kumar, aged about 28 years, Gender-Male, Son of Vishnu Prasad Singh
@ Vishnu Singh, Resident of Village- Khilwat, Ward No. 1, P.S.- Bidupur,
District- Vaishali.

... .. Petitioner/s

Versus

The Union of India, through the Deputy Director, Directorate of Revenue
Intelligence, Regional Unit, Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the UOI	:	Dr. K.N. Singh, ASG
		Mr. Anshuman Singh, Sr. DRI
		Mr. Ranjay Kumar, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 15-03-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Union of India.

2. The petitioner seeks bail in connection with F.
No. DRI/LZU/PRU/718(ii)/ENQ-26/2023 arising out of DRI
Patna Unit Case No. 16 of 2023-2024 instituted for the
offences punishable under Sections 21, 23 and 29 of the
Narcotic Drugs and Psychotropic Substances Act, 1985.

3. As per the prosecution case, total 311.70 gm
heroin has been recovered from the possession of the
petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. It is further submitted that no any incriminating article has been recovered from the conscious possession of the petitioner. He next submits that Section 50 and Section 100 of the NDPS Act has not been complied by the police and the petitioner was not traveling with the other co-accused persons, who have been alleged to be traveling with the so called seized articles. Petitioner is in custody since 03.11.2023.

5. Learned APP for the State and learned counsel for the Union of India vehemently opposed the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge/Special Judge (NDPS) Patna dated 21.12.2023, it appears that large quantity of heroin was recovered from the possession of the petitioner. It is commercial quantity under the NDPS Act. The allegation against the petitioner is so serious in nature, therefore the petitioner does not deserve for bail.

7. Considering the nature of accusation, gravity of offence, quantum of recovery of heroin i.e. 311.70 gm which falls under the category of commercial quantity as per the



Narcotic Drugs and Psychotropic Substances, Act, 1985, I am
not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby
rejected.

(Ramesh Chand Malviya, J)

Anand Kr.

U		T	
---	--	---	--

