

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65371 of 2024

Arising Out of PS. Case No.-320 Year-2024 Thana- BEGUSARAI TOWN District- Begusarai

Gautam Kumar S/o Late Chamlal Sah R/o village _nayatola, P.O.- Naugachia,
P.s _naugachia District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal (Sr. Adv.)
	:	Mr. Md.Najmul Hodda
	:	Mr. Kumar Rajdeep
For the Opposite Party/s :	:	Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-10-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Town Police Station Case No. 320 of 2024, disclosing offences under Sections 20(b), 22(b) of the N.D.P.S. Act.
3. As per the prosecution case, lodged by the Jail Superintendent is that on 12.06.2024 at about 9:00 pm, the informant searched the Kakshpal namely Gautam Kumar i.e., petitioner at the jail gate during the course of his duty. On search, prohibited articles as toxic medicines, 128 N-10 tablets and 50 grams ganja were recovered from the possession of the petitioner.



4. Learned senior counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and the quantity of N-10 tablets and the ganja is very small which may be used for self consumption. Learned counsel submits that N-10 tablets are used in the treatment of insomnia and it relaxes the mind and reduce the depression. The component of nitrazepam which is an intoxicant is very small inasmuch as in 128 tablets of N-10, the quantity of nitrazepam is 1.28 grams. As per the schedule, a small quantity of nitrazepam is 20 grams and commercial quantity is 500 grams. The recovered intoxicant is much less than the small quantity. The ganja recovered is also of very small quantity which is 50 grams whereas the small quantity of ganja, as per the schedule, is 1 kg. The petitioner after retirement from Army, joined as Kara Gate Kakshpal in Begusarai Mandal and for the last nine years he has been working without any complaint.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that very small quantity that too less than the small quantity prescribed in the schedule has been recovered from the possession of the petitioner and the petitioner having clean antecedent and this Court has reason to believe that the petitioner may not



commit/repeat the offence under N.D.P.S. Act, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 District and Sessions Judge, Begusarai, in connection with Town Police Station Case No. 320 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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