

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10787 of 2017

Arising Out of PS.Case No. -446 Year- 2016 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Tufani Gond, son of Late Balchand Gond, resident of Bhabua Ward No.17,
at present post Office Gali, Ward No.13, Khatal, P.S.- Bhabua, District-
Kaimur (Bhabua).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-03-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
15.07.2016 in connection with N.D.P.S. Case No. 06 of 2016/02
of 2017, arising out of Bhabua P.S. Case No. 446 of 2016
registered for the offence punishable under Sections 18, 21(b) and
27(A) of the N.D.P.S. Act.

The prosecution case is that the police personnel on a
secret tip-off apprehended the petitioner and his son and petitioner
was found to be possessing 102.14 grams of heroin contained in
various packets and his son was also apprehended with 11.66
grams of heroin. Accordingly, a seizure-list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the heroin seized by the police is not of commercial quantity. He submits that although it is alleged that the petitioner was found to be in physical possession of the alleged substance, but Section 50 of the N.D.P.S. Act, 1985 has not been applied. It is further submitted that the quantity seized is less than commercial quantity prescribed under the Schedule of the Act and he is not a supplier of the alleged substance.

However, learned A.P.P. for the State submits that the petitioner has been found to be possessing the said heroin, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum- Special Judge, Rohtas at Sasaram in connection with N.D.P.S. Case No. 06 of 2016/02 of 2017, arising out of Bhabua P.S. Case No. 446 of 2016, subject to the condition that one of the bailors must be a close relative of the petitioner and the other bailor must have sufficient immovable properties within the jurisdiction of the concerned police station/



Court and that petitioner will appear before the learned Court below on each and every date and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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