

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28120 of 2018

Arising Out of PS.Case No. -424 Year- 2017 Thana -ARA NAGAR District- BHOJPUR

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1. Tarun Kumar S/o Raj Kumar Ram @ Rajkumar Paswan R/o Village -
Chhotki Sasaram, P.S. - Udwantnagar, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar
For the Opposite Party/s : Mr. Sri Dinesh Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2018 Heard learned counsel for the petitioner and the learned
APP for State.

The petitioner is languishing in judicial custody since 14.08.2017 in connection with NDPS Case No. 30 of 2017 arising out of Ara town PS Case No. 424 of 2017 for offences punishable under section 21(b) of NDPS Act.

The prosecution case as lodged by the informant police personnel is that on information that 2 persons are dealing with the contraband item – Heroin, in a park, the police apprehended the petitioner and another co-accused Rakesh Kumar. From the possession of the petitioner, a small quantity of Heroin was recovered. On confession the house of co-accused Rakesh Kumar was searched and 110 gms Heroin was recovered. Simultaneously



house of one co-accused Arun Kumar was searched and 45 gms of Heroin was recovered. It is alleged that the petitioner along with others were dealing in such contraband items.

It has been submitted by the learned counsel for the petitioner that he is innocent and he has no criminal history. He submits that charge sheet has already been submitted. There is violation of Section 100 of the Cr.P.C. and even the provisions of Section 50 of NDPS Act has not been complied. He further submits that the amount of Heroin seized from the possession of the petitioner was not quantified in the seizure list and that it would not be a case under section 21(b) rather under section 20(a) of the NDPS Act. He further submits that the petitioner is a student and has a bright career ahead.

Learned APP for the State submits that the petitioner is languishing in judicial custody since nearly nine months however he opposes the prayer for bail.

Considering the facts and circumstances and material available on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhojpur at Ara in connection with NDPS Case No. 30 of 2017 arising out of Ara



town PS Case No. 424 of 2017, subject to the following conditions:

1. One of the bailers would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
2. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

A.K.V./-

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