

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43789 of 2019**

Arising Out of PS. Case No.-66 Year-2019 Thana- ARA NAWADA District- Bhojpur

Kundan Paswan Son of Ganesh Paswan @ Rajesh Paswan Resident of Village
- Chaukipur, P.S.- Udwantnagar, Distt – Bhojpur ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Ravindra Kumar, Advocate
For the Opposite Party Mr.Anil Kumar, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 25-09-2019 Heard learned counsel for the parties and perused the case diary.

Petitioner is an accused in a case registered for the offence punishable under section 21b of the NDPS Act for recovery of 3.120 grams Heroine from his possession.

Learned counsel for the petitioner submits that the recovery of alleged Heroine is less than small quantity, provision of Section 50 of the NDPS Act was not followed at the time of search and seizure and petitioner is in custody since 6.2.2019. Petitioner has no criminal antecedent and Charge sheet has also been filed in the case, as such, there is no chance of tempering with the evidence.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner,



mentioned above, 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 the Sessions Judge, Bhojpur at Ara in NDPS Case No. 06 of 2019, Ara Nawada Police Station Case No. 66 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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