

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30894 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- BIHIA District- Bhojpur

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DHURANDHAR PASWAN @ DHURENDRA PASWAN, aged about 35 years, Gender-Male, Son of Lallan Paswan, Resident of Village-Baruna, P.S.- Behea, District-Bhojpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : M/S. Subodh Kumar Jha and Sarveshwar Tiwary,
Advocates.

For the Opposite Party : Mr. R.B. Roy 'Ranjan', A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-02-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioner seeks bail in a case for the offence registered under Sections 21(C) of N.D.P.S. Act.

The prosecution story, in brief, is that the D.I.U Team, Bhojpur and the Police Officer of Behea Police Station jointly conducted raid of the house of the petitioner on the basis of secret information about trading of *Heroine/Brown Sugar* being carried out by the petitioner and other co-accused. The raiding party apprehended the petitioner while he attempted to escape



seeing the police party. The raiding party searched the house of the petitioner and recovered five packets, total 295 gms., *Heroine* kept in polythene.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 12.02.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per allegation, 295 gms., suspected to be *Brown Sugar* is said to have been recovered from the house of the petitioner. F.S.L. report has been received. As per F.S.L. report, the seized substance is *Diazepam* commercially known as '*VALIUM*'. The commercial quantity of same is 500 gms. The recovered substance is said to be below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released



on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Bhojpur, Ara, in connection with N.D.P.S. Case No. 05/2020, arising out of Behea P.S. Case No. 34/2020.

(Sudhir Singh, J)

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