

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32078 of 2020

Arising Out of PS. Case No.-203 Year-2017 Thana- IMAMGANJ District- Gaya

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Birendra Prasad Son of Dasu Prasad Resident of Village - Madsari, P.S.-
Imamganj, District - Gaya, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 22-01-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with NDPS
Case No. 3 of 2020/ 47 of 2018 arising out of Imamganj P.S.
Case No. 203 of 2017 registered under Sections 8, 20(b)(ii), (C)
25, 29 and 30 of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

As per prosecution case, the police recovered 75 kg
Doda Chhilka and 255 kg Doda Powder from the house of the
petitioner.

Mr. Surendra Kumar Singh, learned counsel for the
petitioner submitted that the prosecution case as against the
petitioner is false, baseless and misleading. He was neither
arrested on the spot nor any incriminating contraband was



recovered from his possession or from his house. The recoveries were made from the house of Ramesh Prasad, who is brother of the petitioner. He contended that Doda Powder and Doda Chhilka would not be covered under the NDPS Act. He further contended that the co-accused Ramesh Prasad, who was arrested on the spot at the time of occurrence has already been granted bail by a Bench of this Court vide order dated 29.08.2019 passed in Cr.Misc. No. 53231 of 2019.

On the other hand, Mr. Ram Bilash Roy Raman, learned counsel appearing on behalf of the State submitted that the recoveries of contraband were made from the joint house of the petitioner and his brother Ramesh Prasad. He contended that it is wrong to say that Doda Powder and Doda Chhilka would not be covered as contraband under the NDPS Act. According to him, they are raw materials for preparing opium. He, however, does not dispute the fact that the co-accused Ramesh Prasad has already been granted bail by a Bench of this Court.

Regard being had to the facts and circumstances of the case, in order to maintain consistency in the orders passed by this Court, I am inclined to grant bail to the petitioner. He is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like



amount each to the satisfaction of the learned 5th Additional Sessions Judge-cum-Special Judge, NDPS Act, Gaya in connection with NDPS Case No.3 of 2020/ 47 of 2018 arising out of Imamganj P.S. Case No. 203 of 2017.

(Ashwani Kumar Singh, J)

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