

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.109 of 2021**

Arising Out of PS. Case No.-334 Year-2020 Thana- BUXAR District- Buxar

SANJAY KUMAR @ BEDU S/O LATE MADAN CHAUDHARI R/O
MOHALLA SHANTI NAGER, WARD NO. 34, P.S.-BUXAR (T),
DISTRICT-BUXAR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 24-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Buxar (Town) P.S. Case No. 334 of 2020

registered for the offences punishable under Sections 21, 22 and

27 of the Narcotic Drugs and Psychotropic Substances (NDPS)

Act.

As per the prosecution story, while the informant was

on patrolling duty he got secret information that this petitioner is

indulged in trade of heroine. The informant along with his



police team reached at the house of the petitioner and on seeing police the petitioner tried to flee away but was apprehended eventually and in the presence of two independent witnesses a search was made and forty six packets kept in a black plastic was found from the bed and when the said packet was opened eight grams heroine was found.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the said heroine was recovered from the joint house of the petitioner and not from his conscious possession. Learned counsel submits that the recovery is in small quantity and out of eight grams at least five grams weight would be of the papers alone. It is submitted that the petitioner is in custody since 10.08.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed the submission of learned counsel for the petitioner that recovery of total eight grams of heroine has been alleged against the petitioner, the said recovery is from the bed of the house and it is the contention of learned counsel for the petitioner that out of eight grams at least five



grams weight would be of the papers alone and therefore, the recovery of heroine is in small quantity, further considering the submission that petitioner is in custody since 10.08.2020 and he has got no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned District Judge-cum-Special Court N.D.P.S. Act, Buxar in connection with Buxar (Town) P.S. Case No. 334 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

