

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2238 of 2022

Arising Out of PS. Case No.-292 Year-2021 Thana- DUMRAO District- Buxar

=====

AMAR NATH KUMAR Son of Kashi Prasad @ Kashinath Thathera Resident
of Village - Nimej Tola, Dumraon, Ward no.22, P.s.- Dumraon, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dumraon
P.S. Case No. 292 of 2021 registered for the offence under
Section 20/22 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.08.2021.

The allegation against the petitioner is to have in
possession of contraband i.e. Heroine weighing about 17.9 gm.

Learned counsel appearing on behalf of the petitioner
submitted that recovery of alleged contraband was not made
from conscious physical possession of the petitioner. It is



submitted that seizure list is not supported by independent witnesses and, as such, same appears to be doubtful. It is further submitted that recovered quantity is 17.9 gm of heroine, where commercial quantity is to 250 gm and, as such, provision of Section 37 of the N.D.P.S. Act is not applicable in the present case. It is also submitted that Section 50 of the N.D.P.S. Act was also not complied with regard to search upon person. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery of alleged contraband i.e. heroine is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as compliance of Section 50 of the N.D.P.S. Act appears to be doubtful, in the background of disputed seizure list, where recovery of contraband is less than commercial quantity, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dumraon P.S. Case No. 292 of 2021 on furnishing bail



bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV, Buxar/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

U		T	
---	--	---	--

