

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1139 of 2022

Arising Out of PS. Case No.-457 Year-2021 Thana- BUXAR District- Buxar

Sonu Kumar Rajak Son of Harikishun Dhobi Resident of Village- Sikraul,
P.S.- Rajpur, District- Buxar. At present Mohalla- Shantinagar, P.S.- Buxar
Nagar, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3491 of 2022

Arising Out of PS. Case No.-457 Year-2021 Thana- BUXAR District- Buxar

Kiran Devi W/o Sonu Kumar Rajak Resident of Village- Sikraul, P.S.- Rajpur,
District- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1139 of 2022)

For the Petitioner/s : Mr. Anil Kumar, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 3491 of 2022)

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Buxar Nagar P.S. Case No. 457 of 2021, lodged under Sections
21, 22 and 27 of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

As per the prosecution case, the recovery of 5 gm and 8 gm heroin have been made from the possession of petitioner of Cr. Misc. No. 1139 of 2022 and petitioner of Cr. Misc. No. 3491 of 2022 respectively.

Learned counsel for the petitioners submits that the antecedents of both the petitioners are clean and they are in custody since 01.10.2021, and charge-sheet has already been filed in this case. Learned counsel also submits that there is gross-violation of Section 100 of Cr.P.C. and he alleged that recovery made from both petitioners' respective possessions are 5 gm and 8 gm, which is independently lesser than the small quantity as per the N.D.P.S. Act. He also submits that both the petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

Learned A.P.P. for the State opposes the prayer for bail and submits that F.S.L. Report has been received, in which it has been found that the seized material is heroin and small quantity of heroin as per the N.D.P.S. Act is 10 gm only and here in this case total 13 gm of heroin has been recovered. He also submits that the commercial quantity of heroin as per the N.D.P.S. Act is 250 gm.

In the present facts and circumstances of this case and

the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-cum-Special Court N.D.P.S. Act, Buxar in connection with Buxar Nagar P.S. Case No. 457 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bonds.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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