

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8841 of 2022

Arising Out of PS. Case No.-395 Year-2021 Thana- GARDANIBAG District- Patna

Raj Kumar Paswan Son Of Bhola Paswan R/O Village/Moh.- Kaushal Nagar,
P.S.- Hawai Adda, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saket Gupta
		Mr. Dhananjay Kumar, Advocates
For the Opposite Party/s :		Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 413, 414, 120(B), 419, 467, 468, 471 and 34 of the Indian Penal Code and Sections 20(ii)/22(ii) and 27 of the NDPS Act.

Recovery is of 1.90 gram Heroin and 50 gram ganja from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears



from the F.I.R. as well as seizure list that 1.90 gram of Heroin and 50 gram of ganja have been recovered from the possession of the petitioner. He further submits that the recovered contraband is less than the commercial quantity and Section 37 of the N.D.P.S. Act has not come on the way to grant the bail to the petitioner. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.10.2021.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is *Heroin and ganja* but fairly submits that the recovered *Heroin and ganja* is less than the commercial quantity.

Considering the facts and circumstances of the case and the period of custody already suffered since 10.10.2021, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No. 147 of 2021 arising out of Gardanibagh P.S. Case No. 395 of 2021 with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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