

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8568 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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Santosh Kumar Sah S/O Badri Narayan Sah Resident Of Village And Post-
Tiyar, Police Station- Tiyar, District- Bhojpur

... .. Petitioner/s

Versus

1. The Union Of India Through The Intelligence Officer, Narcotics Control,
Bureau, Patna Bihar
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mr. K.N.Singh (A.D.S.G), App

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 29-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
N.D.P.S (SL) Case No. 12 of 2021 arising out of NCB Case No.
23 of 2021 instituted for the offences punishable under Sections
21(c), 22(c), and 29 of the N.D.P.S Act, 1985.

Learned counsel for the petitioner submits that the
petitioner is in custody since 30.09.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The prosecution story, in short, is that on 28.09.2021,
Paramhansh Kumar Officer of NCB, Patna received an
information that two workers of Santhosh Kumar Sah namely,



Basukinath Gupta and Aditya Roy are coming from Dimapur by train with a huge consignment of heroin. They reached at Arah on 29.09.2021. The said information was given by Paramhansh Kumar to Superintendent of NCB, Sri Rajan Kumar who instructed the raiding team. The raiding team followed the train but the accused persons were not caught, again the raiding team proceeded to Ara. The raiding team apprehended two persons namely, Basukinath Gupta and Aditya Roy in front of railway station in the presence of the witnesses. During the course of investigation, apprehended person, Basukinath Gupta disclosed that the said 650 gms heroin was to be delivered to Santosh Kumar Sah (petitioner).

The learned counsel for the petitioner submits that the petitioner is innocent and he has no concern with the seized articles and with the co-accused Basukinath Gupta and Aditya Roy. It is further submitted by the learned counsel for the petitioner that his name transpired in this case on the basis of confessional statement of the co-accused. It is further submitted that the recovery of 650 gms heroin is from the possession of the other co-accused namely, Basukinath Gupta and Aditya Roy and not from the possession of the petitioner.

Learned A.P.P. for the State vehemently opposes the



prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 30.09.2021 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Court NDPS Act, Bhojpur, Ara in connection with NDPS (SL) Case No. 12 of 2021 arising out of NCB Case No. 23 of 2021.

(Khatim Reza, J)

Gaurav
Kumar/Annpurna
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