

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10839 of 2022

Arising Out of PS. Case No.-624 Year-2021 Thana- BRAHMPUR District- Buxar

Dara Prasad S/O Subhash Prasad @ Khatai Prasad R/o village- Noniyapura,
P.S.- Krishna Braham, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 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 Brahmipur
P.S. Case No. 624 of 2021 registered for the offence under
Sections 21 and 22(b) of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.10.2021.

The allegation against the petitioner is of having
possession of 11.0140 grams of contraband, brown coloured
heroin like substance, found in sachet.

Learned counsel appearing on behalf of the petitioner
submitted that from bare perusal of the seizure list, it appears
that recovery has not been made from the conscious physical



possession of the petitioner. It has also been submitted that compliance of Section 50 of the N.D.P.S. Act has not been complied with. While arguing over the matter, it has further been submitted that recovered quantity is less than commercial quantity and that too alongwith the weight of paper in which the contraband was found. While concluding the argument, it has been submitted that without obtaining the FSL report chargesheet has been submitted.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that seized contraband is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as the alleged recovery of contraband is not from the conscious physical possession of the petitioner coupled with the fact that the quantity recovered is less than commercial quantity, let the petitioner, above named, is directed to be released on bail in connection with Brahmpur P.S. Case No. 624 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 Judge-II-cum-Special Judge at Buxar, subject to the following conditions:

“(i) That accused/petitioner shall



not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be present physically on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner only, duly supported by the documents.

(iii) That one of the bailors shall be Sukiya Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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