

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17470 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- UPHARA District- Aurangabad

ADITYA PASWAN @ AADITYA PASWAN Son of Tetar Paswan Resident of
Village - Ward No.- 2, P.S.- Uphara, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Leelawati Kumari

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Sections 8, 20(b)(ii)(B) and 25 of the
NDPS Act.

Allegedly, from the petitioner's shop 1.486 kg contraband
suspected to be Ganja was recovered.

The main submissions advanced by the learned counsel
for the petitioner are that without getting FSL report of the alleged
recovered article charge sheet has been submitted, the said article
was not declared as contraband under NDPS Act, recovered quantity
does not come under the purview of commercial quantity rather the
same comes under small quantity, petitioner has been languishing in



jail since 11.2.2022 having clean antecedent. Further submission is that alleged recovery was not made before independent person while said recovery has been made at the shop of the petitioner which is located at the public place that makes seizure to be highly suspicious.

Learned APP has opposed the prayer for bail.

Having regard to the facts and circumstances of the case as well as considered above submissions, petitioner's clean antecedent, his case is at initial stage of trial, most of the prosecution witnesses are official witnesses and the petitioner is stated to be shop keeper, in light of these facts, in my view, a lenient approach may be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge I-cum- Special Judge NDPS, Aurangabad in Uphara P.S Case No. 09 of 2022 on 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 below and shall remain physically present as directed by the Court below 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 witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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