

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23815 of 2022**

Arising Out of PS. Case No.-17 Year-2021 Thana- KORANSARAI District- Buxar

Saroj Kumar Singh @ Saroj Singh Son Of Late Rajendra Kumar Singh @
Rajendra Singh R/O Village- Mathila, P.S.- Korensarai, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate.

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 01-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Binod Kumar Singh, learned counsel for the petitioner as well as Ms. Pushpa Sinha.1, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Koran Sarai P. S. Case No. 17 of 2021 giving rise to N.D.P.S. Case No. 10 of 2021 registered for the offences punishable under Sections 20, 21 and 22 of the Narcotic Drugs And Psychotropic Substances Act, 1985.

As per the prosecution case, it is alleged that while the Police party was on patrolling duty, they saw some persons,



on noticing them, started fleeing away. On chase two of the persons including this petitioner was apprehended and on search, 6.62 grams heroin like substance in seven sachet was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of this petitioner rather the recovery has been made from some other place but it has been shown to be recovered from the possession of this petitioner. It is further submitted that the alleged recovery of heroin like substance is, though little more than smaller quantity but much less than commercial quantity, which is 250 grams and as such, rigours of Section 37 of the N.D.P.S. Act would not be applicable. It is further submitted that surprisingly, without obtaining F.S.L. report, the charge sheet has been submitted and as such, it vitiates the prosecution case. It is next submitted that the co-accused person, namely, Punit Kumar @ Punit Kumar Gupta from whose possession 7.820 gram of heroin like substance was recovered, has already been granted bail by this Hon'ble Court in Cr. Misc. No. 33244 of 2021 vide order dated 10.01.2022. A copy of which is annexed as annexure 3A of this application.



On the other hand, learned APP for the State opposes the bail application and submits that the recovery of heroin has been made from possession of this petitioner.

Having considered the submissions made on behalf of the parties and taking into account the alleged recovered heroin like substance is little more than smaller quantity and much less than commercial quantity, apart from the fact that after conclusion of investigation, the charge sheet has been submitted in as much as the petitioner is in custody since 14.02.2021, having a man of fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge XI, Buxar, District Buxar in connection with Koran Sarai P. S. Case No. 17 of 2021 giving rise to N.D.P.S. Case No. 10 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.



- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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