

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26335 of 2022**

Arising Out of PS. Case No.-3 Year-2022 Thana- KORANSARAI District- Buxar

GOVIND PASWAN S/o- Lorik Paswan @ Lorik Yadav R/o village and P.S. -
Koransarai, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 01-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with N.D.P.S.
Case No. 13/2022 arising out of Koransarai P.S. Case No.
03/2022 registered for the offences punishable under Sections
20/ 21/ 22 of the N.D.P.S. Act, 1985.

As per prosecution case, there is alleged recovery of
05 gram 190 ml. material like Heroin alongwith polythene kept
in white colour paper from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 12.01.2022



and bears no criminal antecedent. There is no compliance of Section 100 Cr.P.C. as well as Sections 42 and 50 of the N.D.P.S. Act in this case. Learned counsel for the petitioner further submits that recovered quantity of heroin is 05 gram alongwith its sachet and polythene comes under the less than commercial quantity and just above more than the small quantity. Learned counsel for the petitioner further submits that weight of the said heroin has not been taken by the prosecution team rather the said weight has been taken by a measurement tool from the market which creates doubt. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge N.D.P.S., Buxar in connection with N.D.P.S. Case No. 13/2022 arising out of Koransarai P.S. Case No. 03/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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