

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37789 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- NAGAR District- Vaishali

Jeet Paswan Son of Mahesh Paswan R/O Village- Hela Bazar, Ward No. 11,
P.S.- Town, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the State : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-11-2022 At the outset, learned counsel for the petitioner submitted that in paragraph no.14, at page no.4, of the bail petition, inadvertently, period of custody has been wrongly typed as '08.08.2022' instead of '09.03.2022'.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioner and learned APP 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 Hazipur Town P.S. Case No. 205 of 2022 registered for the offence under Sections 8(c), 21(b) and 22 of the N.D.P.S. Act.



The accused/petitioner is named in the F.I.R. and is in custody since 09.03.2022.

The allegation against the petitioner is to have in possession of 14.150 grams of smack like substance, wrapped in 39 sachets (pudia).

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of narcotics/contraband i.e., smack was not made from the conscious physical possession of the petitioner, where seizure list also appears doubtful, being not supported by independent witnesses rather by police personnel. It is further submitted compliance of Sections 42 and 50 of the N.D.P.S. Act not appears to be made in the present case, which is otherwise mandatory. It is also submitted that as the recovered quantity is less than commercial quantity, therefore, application of Section 37 of the N.D.P.S. Act is not appearing relevant in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that



recovered quantity of narcotics/contraband is less than commercial quantity.

In view of the facts and circumstances, as mentioned above, as recovered quantity is less than commercial quantity, where compliance of Section 50 of N.D.P.S. Act appears doubtful, in the background of the doubtful seizure list coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hazipur Town P.S. Case No. 205 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali (Hajipur)/concerned Court, 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) That accused/petitioner shall cooperate in the trial and shall be physically present 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, duly supported by the documents.

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

(Chandra Shekhar Jha, J)

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