

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49664 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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UPENDRA RAM S/o Dasai Ram Resident of Mohalla/Village - Bada Telpa,
Ward No. 41 P.O. - Sahebganj, P.S. - Chapra Town (Nagar Town), District -
Saran at Chapra, Bihar. Petitioner

Versus

The state of Bihar through the Narcotic Control Bureau. Bihar
... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Maheshwar Prasad
For the Opposite Party/s : Mr.Dr. Krishna Nandan Singh (A.S.G.)
Mr. Manoj Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner seeks bail in a case instituted for the
offences under Sections 8(c), 21(b), 25 and 29 of the N.D.P.S.
Act

The prosecution case, in short, is that 50 grams of
heroin has been recovered.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 23.03.2022 and has got no
criminal antecedent. Charge-sheet/prosecution report has been
submitted in this case. There is no allegation of tampering of



witnesses alleged against the petitioner. The name of the petitioner has transpired in the present case on the basis of confessional statement of co-accused. The petitioner has been made accused due to mistake of fact. 50 grams of heroine is alleged to have been recovered. The same is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, NDPS, Bhojpur at Arrah in connection with NDPS Case No. 49/2022 arising out of NCB (Crime) Case No. 09/2022 and NDPS Special Case No. 20/2022.

(Sudhir Singh, J)

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