

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.62291 of 2021**

Arising Out of PS. Case No.-396 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

RAJ KUMAR @ RAJU BIND S/o Baleshwar Bind R/o Village Akhalaspur  
Bind Nagar, P.S. Bhabua, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER**

3      24-02-2022                      Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 8 ©/ 20(b)(ii)/B/29 of the N.D.P.S. Act.

As per the prosecution case, 15 gram of Heroin has been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. It is submitted that mandatory provision with regard to search and seizure has not been followed and since the recovered quantity of narcotic substance is less than commercial quantity, rigours of Section 37



of the NDPS Act could not be attracted against this petitioner. It is next submitted that charges have already been framed in this case on 25.10.2021. Petitioner claims clean antecedent and is in custody since 08.08.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that more than small quantity of Heroin has been recovered from the possession of the petitioner.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, 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 Sessions Judge-cum- Special Judge, Kaimur at Bhabua in connection with Bhabua PS case No.396/2021.

**(Prabhat Kumar Singh, J)**

BKS/-

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