

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56958 of 2022

Arising Out of PS. Case No.-352 Year-2022 Thana- JAGDISHPUR District- Bhojpur

Tuna Mishra S/O Madan Gopal Mishra Resident of village- Mahanth ke
Mathiya ward No- 06, P.S.- Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar Through Director Narcotic Drug And Psychotropic
Substances Department Bihar
2. The Union of India New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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
Jagdishpur P.S. Case No. 352 of 2022 registered for the offence
under Sections 20, 21 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.07.2022.

The allegation against the petitioner is to have in
possession of 10.97 gram Heroin and cash of unexplained
amount of Rs. 4200/-.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of contraband i.e. Heroin was not made from the conscious physical possession of this petitioner, which is apparent from seizure list. It is further submitted that compliance of Section 42 and 50 of N.D.P.S. Act was not made in present case, which is otherwise mandatory. It is also submitted that seizure list is not supported by independent witnesses, rather by police personnels, creating further doubt over entire seizure/recovery. It is also submitted that as recovered quantity is less than commercial quantity therefore, application of Section 37 of N.D.P.S. Act is not appearing relevant in present case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned Central Government counsel appearing on behalf of Union of India, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovered narcotics/contraband is less than commercial quantity, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has been



submitted, let the petitioner, above named, is directed to be released on bail in connection with Jagdishpur P.S. Case No. 352 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 Session Judge, Bhojpur, Ara/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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