

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57309 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- KORANSARAI District- Buxar

Bijay Yadav S/O Bhikhari Singh @ Bhikahari Singh Yadav R/O village-
Nawadih, P.S- Koran Sarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate
For the State : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-11-2022 At the outset, learned counsel for the petitioner submitted that in paragraph no.3, at page no.2, of the bail petition, inadvertently, police station case number has been wrongly typed as 'Koran Sarai P.S. Case No. 98 of 2022' instead of 'Koran Sarai P.S. Case No. 76 of 2020'.

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 Koran Sarai P.S. Case No. 98 of 2022 registered for the offence under



Sections 20, 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The accused/petitioner is named in the F.I.R. and is in custody since 17.08.2022.

The allegation against the petitioner is to have in possession of 3.5 grams of contraband i.e., heroine.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of contraband i.e., heroine was not made from the conscious physical possession of the petitioner. It is further submitted that the recovered quantity is 3.5 grams, which is less than the small quantity prescribed for the contraband i.e., heroine, where maximum punishment on conviction is up to one year. It is also submitted that compliance of Sections 42 and 50 of N.D.P.S. Act, which is mandatory, was also not made in the present case. While concluding the argument, it is submitted that 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 opposes the prayer of bail of the petitioner.

In view of the facts and circumstances, as mentioned above, as recovered quantity of heroine is less than small



quantity coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Koran Sarai P.S. Case No. 98 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 District Judge-cum-Special Court, N.D.P.S. Act, Buxar/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
Bhikhari Singh @ Bhikhari Singh Yadav,
who is the father of the petitioner and
deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
S.Tripathi/-

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