

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58410 of 2022**

Arising Out of PS. Case No.-654 Year-2021 Thana- BARHARA District- Bhojpur

Chetan Kumar Son of Late Ravi Ranjan Paswan R/o- Gausganj, P.S.- Ara  
Town, District – Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sarveshwar Tiwary, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      19-11-2022                      Heard learned counsel appearing on behalf of the peti-  
tioner 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 Barahara  
P.S. Case No. 654 of 2021 registered for the offence under Sec-  
tions 21(b) N.D.P.S. Act and 30(a), 36 of the Bihar Prohibition  
and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 22.11.2021.

The allegation against the petitioner is to have in pos-  
session of 53 gram heroin and also 150 gram of wine.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged recovery of heroin was not made from conscious physical possession of this petitioner. It is further submitted that the compliance of Sections 42 and 50 of N.D.P.S. Act were not made, which is otherwise mandatory under the law. It is also pointed out that application of Section 37 of N.D.P.S. Act is not appearing in this case for the reason that alleged recovered quantity is less than commercial quantity. 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 APP, while opposing the prayer of bail fairly conceded the fact that the recovered contraband i.e. *Heroin*, is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as alleged recovered contraband i.e. 53 gram is less than commercial quantity, where petitioner is in custody since 22.11.2021, 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 Barahara P.S. Case No. 654 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfac-



tion of learned Exclusive Special Excise Court No. I, Bhojpur  
Ara/concerned Court, subject to the conditions as mentioned un-  
der Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Archana/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

