

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72416 of 2021

Arising Out of PS. Case No.-413 Year-2021 Thana- DIGHA District- Patna

Ravi Paswan Son Of Late Baliram Paswan Resident Of Village- Anand Bazar,
P.S- Danapur, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Manoj Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Spl. Case No. 85 of 2021 arising out of Digha P.S. Case No. 413 of 2021 registered for the offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances act (hereinafter referred to as 'the NDPS Act'). He is in custody since 28.07.2021. The petitioner has got one criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 27.07.2021 the informant received a secret information that three persons are selling smack near 6 lane Ganga Bihar Colony. On this information, the informant along with other police officers reached there and on seeing the police party all three



accused persons tried to flee away but got apprehended on chase. Apprehended accused persons disclosed their names as Ravi Paswan (the petitioner), Kishor William and Vicky Manjhi and on search from the pocket of this petitioner five packets of brown sugar, from Kishor William four packets of brown sugar and from Vicky Manjhi four packets of brown sugar were recovered. Altogether 6 gms of smack were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the quantity of smack is much less than the commercial quantity. The petitioner is in custody since 28.07.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the entire quantity of the smack allegedly recovered from the accused persons were only 6 gms which is much less than the commercial quantity and in the circumstances the rigours of Section 37 of the NDPS Act is not attracted and further that the petitioner has remained in custody since 28.07.2021, investigation against him is complete and his presence may also be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IX, Patna in connection with Spl. Case No. 85 of



2021 arising out of Digha P.S. Case No. 413 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

