

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18983 of 2023

Arising Out of PS. Case No.-493 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Sunil Kumar Son of Ram Raj Sah R/V- Jaso Road, PS- Buxar (Muffassil)
Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 18-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Buxar (Muffasail) P.S. Case No. 493 of 2022 instituted for the offence under Section 414 of the Indian Penal Code and Section 8, 8(c), 20(b), 22(c) & 29 of the N.D.P.S. Act.

3. As per F.I.R., prosecution case relates to recovery of Heroine like contraband substance i.e. 750 gram kept in black polythene in a yellow bag and one small calculator like Electronics Weighing Machine from a Motorcycle bearing registration no. BR44G6308 and the petitioner is said to be driver of the aforesaid motorcycle who was apprehended on spot while trying to escape after seeing the police party. One screen touch mobile of Redmi Company was also recovered



from right pant pocket of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has no concern with the alleged recovery of *heroine* like contraband substance, small calculator like Electronics Weighing Machine and motorcycle in question. It is further submitted that the provision of N.D.P.S. Act has not been followed properly. The petitioner has got no criminal antecedent and languishing in judicial custody since 09.11.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the F.I.R. who was apprehended on spot with motorcycle and from whose possession, *heroine* like narcotic substance was recovered which is said to be 750 gram and the same comes within purview of commercial quantity. The petitioner could not produce the papers regarding recovered articles. The F.S.L. report also corroborates the prosecution case.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer



for bail stands rejected.

The trial Court is directed to expedite the trial and
conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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