

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12811 of 2023

Arising Out of PS. Case No.-476 Year-2022 Thana- CHHATAUNI District- East Champaran

INDAL PASWAN Son of Late Harihar Paswan R/v- Jhakhara, Ward No. 14,
P.S.- Piprakothi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 09.09.2022, in connection with N.D.P.S. Case No. 81 of 2022 arising out of Chhatauni P.S. Case No. 476 of 2022, F.I.R. dated 08.09.2022 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 8(c), 21(c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The case relates to recovery of 96 Grams of *Brown Sugar and one mobile phone.*

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that altogether 96



Grams of Brown Sugar and one mobile phone have been recovered from the possession of the petitioner. Learned counsel for the petitioner further submits that without FSL report the prosecution has filed the chargesheet against the petitioner and FSL report dated 17.06.2023 suggests that the recovered contraband is *Heroin* and the recovered contraband is less than the commercial quantity and hence there is no embargo of Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that co-accused namely Jitendra Singh has been granted bail by a Coordinate Bench of this Court vide order dated 26.04.2023 passed in Cr. Misc. No. 13892 of 2023, another co-accused namely Nathuni Ram has been granted bail by a Coordinate Bench of this Court vide order dated 05.05.2023 passed in Cr. Misc. No. 14538 of 2023 another co-accused namely Brajesh Pandey has been granted bail by a Coordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 18917 of 2023, another co-accused namely Jawed Alam has been granted bail by a Coordinate Bench of this Court vide order dated 19.05.2023 passed in Cr. Misc. No. 19949 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.09.2022.



5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is *Heroin* but fairly submits that the recovered contraband is less than the commercial quantity.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Vth-cum-Special Judge, East Champaran, Motihari in connection with N.D.P.S. Case No. 81 of 2022 arising out of Chhatauni P.S. Case No. 476 of 2022, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, the court below shall take step 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.

(Rajesh Kumar Verma, J)

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