

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21090 of 2023

Arising Out of PS. Case No.-690 Year-2022 Thana- BARHARA District- Bhojpur

Raj Bahadur Singh Son Of Ram Nath Singh R/O Village- Saraeyan, P.S.-
Barhara, (Krishnagar) District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with N.D.P.S.
Case No. 103/2022 arising out of Barahara (Krishnagar) P.S. Case
No. 690 of 2022 dated 27.09.2022, instituted for the offence
punishable under Sections 21(a) of N.D.P.S. Act and Section 25(1-
b)a, 26, 35 of the Arms Act.

3. The prosecution case, in short, is that on 27.09.2022
at 14.05 hrs., the informant S.H.O. Arvind Kumar received a secret
information that petitioner Rajbahadur Singh and Ramnath Singh
used to business of Heroine and work as home delivery. On this
information, the informant with his team reached at the said place
and arrested Raj Bahadur. On searching him, 39 packets of
Herione weighing 14.27 gram was found from his pocket. On



searching his house, five live cartridges, one motorcycle bearing No. BR 03AH 2673, 3 packet Heroine weighing 8.88 gram and Rs. 1,23,855/- was found.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that total recovered 23.15 grams Heroine is more than small quantity but much less than the commercial quantity. Learned counsel for the petitioner submits that search and seizure a prescribed under 50 of N.D.P.S. Act has not been followed and seizure list witnesses are police personnels who were member of the raiding party. It is further submitted that the petitioner is himself a victim in this case and he has been implicated in this case only due to the reason that he was present in the house owned by his father during the alleged raid. Learned counsel for the petitioner submits that there is no specific allegation against the petitioner. During course of investigation samples from the alleged recovery of heroine was alleged sent on 17.11.2022 to the F.S.L. for chemical examination which is after delay of 50 days from the date of occurrence and on the same day, charge sheet was filed in the court below, hence there is no F.S.L. report regarding the nature of the alleged recovery and in the absence of same mere presumption charge sheet has been filed in the case. Lastly, it has been submitted that



the petitioner is in custody since 28.09.2022 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur at Ara, in N.D.P.S. Case No. 103 of 2022 arising out of Barahara (Krishnagar) P.S. Case No. 690 of 2022.

(Khatim Reza, J)

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