

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32162 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- ITARHI District- Buxar

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Bhim Upadhyay son of Gorakh Nath Upadhyay @ Gorakh Upadhyay Village-
Manoharpur Ps- Itarhi Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2023 Heard learned counsel appearing on behalf of the

petitioner 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 Itarhi P.S.

Case No. 89 of 2023 registered for the offence under Sections

8(c), 21(b) and 22(b) of the N.D.P.S. Act.

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

custody since 06.04.2023.

The allegation against the petitioner is to have in

possession of total 30 grams of heroine like substance.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner falsely implicated with present case as alleged heroine like substance not appears to be made from his conscious physical possession. It is submitted that compliance of Section 50 of the N.D.P.S. Act not appears to be followed in present case. It is submitted that as recovered quantity of alleged contraband is less than commercial quantity, therefore, the implication of Section 37 of the N.D.P.S. Act not appears to be applicable in this case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as compliance of Section 50 of the N.D.P.S. Act not appears to be followed in present case, where recovered quantity of contraband is less than commercial quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Itarhi P.S. Case No. 89 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of



the like amount each to the satisfaction of learned District Judge-cum-Special Judge, N.D.P.S. Act, Buxar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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