

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30818 of 2023

Arising Out of PS. Case No.-1028 Year-2022 Thana- ARA NAWADA District- Bhojpur

Ashish Kumar, Son of Jaymangal Singh, Village- Jokhari, P.S.- Krishnagarh,
Dist- Bhojpur, Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with N.D.P.S. Case No. 15 of 2023 arising out of Ara Nawada P.S. Case No. 1028 of 2022 registered on 26.11.2022 for the alleged offences under Sections 21(b) and 29 of the Narcotic Drugs and Psychotropic Substance Act.

As per prosecution case, police received information about selling of heroine/brown sugar from the house of one Khatai Yadav. A raid was conducted and six persons were found present there including the petitioner.

Recovery of 124.54 gms of heroine, electronic weighing machine, scissors, aluminum paper, mobiles, cash of Rs. 2,05030/- kept inside an airbag etc. were made from the house of the Khatai Yadav.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner has nothing to do with the house in question as the said house does not belong to the petitioner nor the petitioner is tenant in the said house. No narcotic substance was recovered from the possession of the petitioner. Moreover, the total recovery is of 124.54 gms of heroine and it is much less than the commercial quantity. The petitioner is in custody since 27.11.2022 and charge-sheet has been submitted. The petitioner has got no criminal antecedent. Similarly situated co-accused persons namely Sameer Bidyarthi @ Jhuna and Nandan Kumar @ Raj Nandan Kumar have been granted bail by a coordinate Bench of this Court vide order dated 22.05.2023 in Cr. Misc. No. 22694 of 2023.

Learned APP opposes the prayer for bail made on behalf of the petitioner.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of the seized contraband and further considering the lack of substantive material against the petitioner except his presence at the spot and further considering his period of custody and submission of charge-sheet, the petitioner above



named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII-cum-Special Judge, NDPS Act, Bhojpur at Ara/concerned court in connection with N.D.P.S. Case No. 15 of 2023 arising out of Ara Nawada P.S. Case No. 1028 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Sunil Dutta Mishra, J)

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