

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32717 of 2023

Arising Out of PS. Case No.-95 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Suman Saurabh S/O Dinesh Paswan R/O Village- Kamrauli, P.S- Simari,
Distt.- Darbhanga.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali, Advocate
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with PTN Case
No. 190/2023 arising out of L.N.M.U. P.S. Case No. 95 of 2023
registered for the offence under Sections 21, 22(b) N.D.P.S. Act,
1985.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.03.2023.

The allegation against petitioner is to have in
possession of 08 capsules of Pyeevon Spas Plus and 10 capsules
of Spascore-Von Plus alleged to be a notified drugs, as



prohibited under NDPS Act, 1985.

Learned counsel appearing on behalf of the petitioner submitted that alleged drugs not notified or schedule drugs as per NDPS Act, rather same appears a pain killer medicine which was purchased by petitioner for his wife. It is further pointed out that no specific composition noticed from these drugs, and even recovered quantity would not falls under commercial category. It is submitted that implication of Section 37 of the NDPS Act not appears to be applicable in present case. While concluding the argument, it is submitted that petitioner found involved in one more case, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has already 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 recovered quantity appears less than commercial quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.03.2023, accordingly, the petitioner above named, is directed to be released on bail in connection with PTN Case No. 190/2023 arising out of L.N.M.U. P.S. Case No. 95 of 2023 on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Darbhanga, Bihar /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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