

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37884 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- CHAKARANDHA P.S. District- Gaya

Uma Shankar Sao @ Umashankar Saw Son Of Late Bishundeo Sao, Village
Chhakarbandha P.S. Chhakarbandha District Gaya

... .. 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. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Chhakarbandha P.S. Case No. 06 of 2023 dated 05.04.2023
instituted for the offence punishable under Sections 8/17(c)/18(c)
of the N.D.P.S. Act

3. The prosecution case, in short, is that on 05.04.2023
at about 14.00 hrs, the informant received a secret information that
several persons had kept doda opium and posta dana in their shops
as well as their residence. A raid was conducted by the police and
the police recovered 16 plastic bags containing 707 kgs. of Posta
Dana from the shop cum house of the petitioner.

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 the said Posta Dana has not been defined in N.D.P.S. Act as per statutory schedule and will not come under contraband substances. Learned counsel for the petitioner submits that there is no compliance of Section 42 and 50 of N.D.P.S. Act during alleged search and seizure. Learned counsel for the petitioner submits that police wants to extract money from the petitioner, but on refusal, the name of the petitioner has been dragged in this case. Lastly, it has been submitted that the petitioner is in custody since 07.04.2023 having no criminal antecedents.

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 Sessions Judge-cum-Special Judge, N.D.P.S. Act, Gaya, in Chhakarbandha P.S. Case No. 06 of 2023.

(Khatim Reza, J)

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