

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47727 of 2023

Arising Out of PS. Case No.-4 Year-2022 Thana- ARA NAGAR District- Bhojpur

1. SHOBHA KUMARI @ SHOBHA DEVI Wife of Avinash Paswan Resident of village - Gausganj, P.S.- Ara Nagar, District - Bhojpur
2. Annapurna Devi Wife of Late Pradeep Paswan Resident of village - Gausganj, P.S.- Ara Nagar, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49310 of 2023

Arising Out of PS. Case No.-4 Year-2022 Thana- ARA NAGAR District- Bhojpur

AMARJEET PASWAN SON OF LATE RAM PRAVESH PASWAN
RESIDENT OF VILLAGE- GAUSGANJ, P.S.- ARA TOWN, DISTRICT-
BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50659 of 2023

Arising Out of PS. Case No.-4 Year-2022 Thana- ARA NAGAR District- Bhojpur

SARVJEET PASWAN son of Late Ram Pravesh Paswan Village- Gausganj
Ps- Ara Town Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47727 of 2023)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.
Mr. Adarsh Kumar, Adv.
Mr. Malti Kumari, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

(In CRIMINAL MISCELLANEOUS No. 49310 of 2023)

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.



Mr. Adarsh Kumar, Adv.
Mr. Shantam Shivam, Adv.
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP
(In CRIMINAL MISCELLANEOUS No. 50659 of 2023)
For the Petitioner/s : Mr. Shantam Shivam, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-09-2023 Heard Mr. Y.C. Verma, learned senior counsel for the

petitioners assisted by Mr. Adarsh Kumar, learned counsel for the

petitioner and learned A.P.Ps. for the State.

The petitioners seek bail in connection with N.D.P.S.
No.27 of 2022 arising out of Ara Nagar P.S. Case No. 04 of 2022
dated 03.01.2022 registered for the offence under Sections 21(b),
25 and 27 of the N.D.P.S. Act.

Recovery is of 196.5 gram heroin.

Earlier the prayer for bail of these petitioners have
been rejected vide order dated 25.01.2023 passed in Cr. Misc. No.
29971 of 2021 and Cr. Misc. No. 30875 of 2022.

Learned counsel appearing for the petitioners submits
that the petitioners are innocent and have falsely been implicated
in this case. He further submits that on bare perusal of the F.I.R.
and the seizure list, altogether 196.5 gram heroin has been
recovered from the house of the petitioners. He further submits
that though F.S.L. report confirms that recovered contraband is
heroin but the quantum of the recovery does not allow it to be
covered under the commercial quantity, accordingly, rigors of



section 37 of the N.D.P.S. Act would not apply in this case and there would not be any bar to this Court to grant bail to the petitioners. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners, Shobha Kumar @ Shobha Devi and Annapurna Devi are rotting in judicial custody since 04.01.2022 and 20.02.2022, respectively and petitioners, Amarjeet Paswan and Sarvjeet Paswan have been languishing in judicial custody since 04.01.2022.

Learned A.P.P. for the State opposed the prayer for bail of the petitioners and submits that the alleged recovery has been recovered from the house of the petitioners and though the alleged recovery does fall within the purview of commercial quantity but the same is more than small quantity. Besides that the petitioners, Shobha Kumar @ Shobha Devi and Annapurna Devi are having one criminal antecedents other than the present one and petitioners, Amarjeet Paswan and Sarvjeet Paswan are having five case and one case other than the present one respectively.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Bhojpur at Ara in connection with N.D.P.S. No.



27 of 2022 arising out of Ara Nagar P.S. Case No. 04 of 2022 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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