

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46383 of 2023**

Arising Out of PS. Case No.-325 Year-2023 Thana- ARA NAGAR District- Bhojpur

Sandeep Paswan Son Of Sudama Paswan Resident Of Village - Gausganj, P.S.
- Ara Nagar, Dist. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Ram Sumiran Rai

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under section 21(b) of the NDPS Act.

Prosecution case relates to recovery of total 60 grams narcotic contraband like Heroine from the possession of co-accused, namely, Ravi Kumar and Rs. 2000/- and mobile phone recovered from the possession of this petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that nothing incriminating article has been recovered from the conscious possession of the petitioner rather the recovered



heroin like intoxicating substance is from the possession of co-accused. It is also submitted that the recovered heroine does not come under the purview of commercial quantity as per NDPS Act. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. The recovered mobile and cash of Rs. 2000/- belongs the petitioner himself. Moreover, he is languishing in judicial custody since 28.04.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Ara Nagar P.S. Case No. 325 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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