

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44545 of 2022

Arising Out of PS. Case No.-295 Year-2022 Thana- ARA NAGAR District- Bhojpur

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DHIRAJ PASWAN @ DHIRAJ KUMAR Son of Rudal Paswan Resident of
Village - Narvirpur Tola, P.S.- Chandi, District - Bhojpur

... .. Petitioner/s

Versus

1. The Union of India New Delhi
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh,Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1,Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 01-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with N.D.P.S. Case No.51 of 2022, arising out of Ara Nagar P.S. Case No.295 of 2022, registered for the offence punishable under Sections 21(b) 25, 26 and 27 of the N.D.P.S. Act.

The allegation is regarding the petitioner having been apprehended by the police and upon search, 6 grams of heroine like substance was recovered from the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he



has been falsely implicated in the present case and he is languishing in custody since 22.05.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one another case, but he is on bail in the said case. The learned counsel for the petitioner has also submitted that the quantity of heroine recovered from the petitioner is much less than the commercial quantity as defined in the schedule notified under the provisions of the N.D.P.S. Act, 1985, hence, there is no impediment in granting bail to the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the quantity of heroine recovered from the petitioner is much less than the commercial



quantity as defined in the schedule notified under the provisions of the N.D.P.S. Act, 1985, apart from the fact that the petitioner is languishing in custody since more than six months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Bhojpur at Ara in connection with N.D.P.S. Case No.51 of 2022, arising out of Ara Nagar P.S. Case No.295 of 2022.

(Mohit Kumar Shah, J)

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