

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46961 of 2023

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

Ravi Kumar, S/O Ranjit Yadav @ Ranjit Kumar Singh, R/O Village-Kazichak
(Kashichak), P.S.-Massaurhi, (Bhagwanganj), District-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Soni Kumari, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal,APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 31-07-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with NDSL 14 of 2023 arising out of Ara Town P.S. Case No. 325 of 2023 dated 27.04.2023 registered for the offence punishable under Section 21(b) of N.D.P.S. Act.
3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to the recovery of 60 gm heroin like substance and the same is stated to have been found in 109 small packets and the weight of all the said small packets were also taken into account while weighing the said contraband and moreover the alleged contraband falls in the category of intermediate quantity and petitioner has fair and clean antecedent. Further submissions are



that as per the FIR the alleged contraband was recovered and seized before two police officials and the same shows that the compliance of Section 100 of Cr.P.C. as to search and seizure before the independent persons was not made by the police party and moreover the FIR goes to show that after seizing the alleged contraband no sampling was made by the police officials concerned and the order impugned itself also shows that no attempt was made by the investigating officer to get the alleged contraband examined by the Forensic Science Laboratory and accordingly the petitioner has been languishing in jail on the presumption of the investigating officer as to the seized material being narcotic. Further submission is that the petitioner has been languishing in jail since 28.04.2023.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent and also the facts that the instant matter relates to the recovery of intermediate quantity of heroin like material and no details appears from the FIR that sampling from the seized narcotic like material was made by the police and the petitioner has been languishing in jail since 28.04.2023, in my opinion, it is a fit case for bail to the



petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with NDSL 14 of 2023 arising out of Ara Town 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 the Court concerned.

(Shailendra Singh, J)

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