

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56326 of 2022

Arising Out of PS. Case No.-330 Year-2022 Thana- NARPATGANJ District- Araria

1. Suraj Kumar Paswan @ Suraj Kumar S/O Shri Chandra Paswan Resident Of Village- Ghurna Bazar Ward No- 10, P.S.- Narpatganj (Ghurna), District- Araria.
2. Monu Kumar Paswan @ Monu Kumar S/O Mattar Paswan Resident Of Village- Ghurna Bazar Ward No- 10, P.S.- Narpatganj (Ghurna), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-02-2023 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Narpatganj (Basmatiya) P.S. Case No. 330 of 2022 lodged under Sections 8(c), 22(c), 25 of the N.D.P.S.

As per the prosecution case, total 14,700 capsules, each having capacity of 50 mg of Tramadol Hydrochloride, have been recovered from the possession of the petitioner. On the basis of which, the present case has been filed under N.D.P.S. Act.

Learned counsel for the petitioner submits that each capsule seized, having capacity of 50mg, therefore, 14,700 capsules shall contain capacity of 73,500mg and therefore, it shall contain 73.5gm of Tramadol Hydrochloride. As notified in the N.D.P.S. Act, for small quantity and commercial quantity Tramadol Hydrochloride have been figured in Serial No. 238 ZH, from which, 5gm is the small quantity and 250gm is the commercial quantity. Counsel for the petitioner submits that the recovered quantity in the present F.I.R. is 73.5gm, which is in between small and commercial quantity.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 19.07.2022 having clean antecedent. Learned counsel for the petitioner submits that petitioner is ready to fulfill all the conditions, whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail and the submits that the recovered quantity is higher than the small quantity but much lesser than the commercial quantity.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria in connection with Narpatganj (Basmatiya) P.S. Case No. 330 of 2022 corresponding to Special Case No. 21 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ashishsingh/-

U		T	
---	--	---	--