

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61905 of 2023**

Arising Out of PS. Case No.-446 Year-2022 Thana- BEUR District- Patna

PREM PASWAN @ JHANDU S/o BABULAL PASWAN R/o vill - Kasthua,  
P.S. - Paraiya, distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Akash Shankar

For the Opposite Party/s : Mr.Mohammad Sufyan

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

3      28-11-2023                      2. The petitioner has prayed for bail in connection with Beur P.S. Case No. 446 of 2022 instituted for the offence under Sections 8(C), 21(C) of the N.D.P.S. Act.

3. As per F.I.R., prosecution case relates to recovery of Smack like contraband substance i.e. 260 gram from possession of the petitioner who was apprehended on spot while trying to escape after seeing the police party.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged recovery of *smack* like contraband substance. It is further submitted that the provision of N.D.P.S. Act has not been followed properly. Moreover, the petitioner is languishing in judicial custody since 4.9.2022.



5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner was apprehended on spot from whose possession, *smack* like narcotic substance was recovered which is said to be 260 gm and the same comes within purview of commercial quantity. As per F.S.L. report, Morphine and its alkaloids were detected in the brown sugar substance. It is also submitted that witnesses of this case have also supported the prosecution.

6. Having heard the learned counsel for the parties and considering commercial quantity of seized smack, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

**(Sunil Kumar Panwar, J)**

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