

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70863 of 2022**

Arising Out of PS. Case No.-55 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

PAPPU PRASAD Son of Late Halla Prasad Resident of Village- Salempur,
P.S.- Arra Mufassil (Dhobha O.P.), District- Bhojpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 26-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
19.02.2022 in connection with N.D.P.S. Case No.13/2022,
arising out of Ara Muffasil (Dhobahan O.P.) P.S. Case
No.55/2022, F.I.R. dated 18.02.2022, for the offences
punishable under Sections 21©/29 of N.D.P.S. Act, 1985.

According to prosecution case, 410 gram of heroin has
been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that as per allegation in the F.I.R. 410 gram of
heroin has been recovered from the possession of the petitioner
and without F.S.L. report, the police has falsely been implicated



the petitioner in the present occurrence. He further submits that there is non-compliance of Section 42 and 50 of the N.D.P.S. Act and nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the house of the petitioner. Similarly, co-accused persons, namely, Dharmveer Prasad @ Dharmveer Kumar and Nikesh Prasad @ Nikesh Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 04.05.2023 passed in Cr. Misc. No. 9888/2023, another co-accused, namely, Jagarnath Yadav and Guddu have been granted bail vide order dated 21.10.2022 passed in Cr. Misc. No. 40863/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.02.2022.

Learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is heroin.

Result of Examination

1. HEROIN, a diacetyl derivative of morphine along with ALPRAZOLAM were detected in the contents of transparent polythene packet A2(क) as described above.

2. ALPRAZOLAM was detected in the contents of



transparent polythene packet Al(अ) as described above.

Heroin is an addictive, intoxicating & narcotics substances where as ALPRAZOLAM is commercially known as Alprax is a sedative & psychotropic substances and induces sleep when ingested.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, if not framed, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge NDPS Act-cum-District and Sessions Judge, Bhojpur at Ara in connection with N.D.P.S. Special Case No.13/2022, arising out of Ara Muffasil (Dhobahan O.P.) P.S. Case No.55/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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