

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59855 of 2022

Arising Out of PS. Case No.-397 Year-2022 Thana- PURNEA SADAR District- Purnia

Rohit Kumar Gupta @ Chhotu @ Rohit Kumar S/O Shree Kailash Prasad
(Sah) Gupta Resident Of Village- Singhal Tola, Ward No- 39, P.S.- Sadar,
District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 8(c)/21(b) of the N.D.P.S. Act.

It relates to recovery of 10.50 grams of Smack from
the possession of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. There is non compliance of Section 50 of the N.D.P.S.
Act. He further submits that the petitioner is an accused in
another case bearing Sadar P.S. Case No. 566 of 2019 under
Sections 8, 21, 22(b) of the N.D.P.S. Act. He further submits that
the recovered contraband is less than the commercial quantity
and the police after investigation submitted the chargesheet



against the petitioner.

Vide order dated 07.02.2023, a report was called for with regard to the FSL report. FSL report dated 19.12.2022 reveals that "Codeine, Morphine, 6-Monoacetyl Morphine and Heroin (a discetyl derivative of Morphine) were detected in the brown powdery substances".

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is Heroin and the petitioner is an accused in another case i.e. Sadar P.S. Case No. 566 of 2019 under Sections 8, 21, 22(b) of the N.D.P.S. Act, which is of similar nature.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Special Case No. 41 of 2022 arising out of Sadar P.S. Case No. 397 of 2022 pending in the Court of learned Special Judge I/c, N.D.P.S. Act, Purnea.

Prayer is refused.

(Rajesh Kumar Verma, J)

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