

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63625 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- SAHPUR District- Bhojpur

RAJU YADAV Son of Late Kedarnath Yadav R/V- Shahpur ward No. 8, P.S-
Shahpur, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Recovery is of total 9.50 grams of Heroin like
substance.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that 4.6 grams of Heroin like substance
and electronic machine have been recovered from the
possession of the petitioner and from the pocket of co-accused
Ekbal Khan 24 piece Heroin like substance 4.9 grams of Heroin
like substance has been recovered and all together total 9.50



grams of Heroin like substance has been recovered from the possession of the petitioner and co-accused persons. He further submits that as per N.D.P.S. Act the small quantity of Heroin is 5 grams and commercial quantity is 250 grams and the recovered contraband is less than the small quantity so there is no embargo of Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 13.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered substance is Heroin which is as under:

“Result of Examination

1. The greenish brown colour dried and pressed vegetative substance along with seeds kept in a polythene packet contained in a paper envelope marked ‘A’ as described above was found to be GANJA. Ganja is the flowering or fruiting tops of Cannabis plant whose chief psychoactive ingredient is Tetrahydrocannabinol (T.H.C.).

2. 6-Monoacetyl Morphine and Morphine were detected in brown colour powdery substances kept in three paper pudia marked D1, D2 and D3 as described above.



6-Monoacetyl morphine and morphine are narcotic drug and highly addictive in nature.”

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with N.D.P.S. Case No. 79 of 2022 arising out of Shahpur P.S. Case No. 246 of 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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