

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66391 of 2022

Arising Out of PS. Case No.-534 Year-2022 Thana- BUXAR District- Buxar

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BHUAL GOSWAMI @ BHUWAL GOSWAMI Son of Gupteshwar Goswami
Resident of Village - Bharauli Ward No.- 5, P.S.- Narahin, District - Baliya
(U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioners seek bail in connection with Buxar
(T) P.S. Case No. 534 of 2022 dated 26.09.2022 registered for
the offence under Sections 21, 22 and 27 of the N.D.P.S. Act.

According to the prosecution, altogether 4.97 grams
of heroine were recovered from the possession of the
petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that according to the prosecution case, 4.97
grams of heroine is said to have been recovered from the



possession of the petitioner. He further submits that the alleged recovery of heroine does not come within the purview of commercial quantity rather the same is less than the small quantity, therefore, rigors of Section 37 of the N.D.P.S. does not come in to play in this case. The petitioner is rotting in judicial custody since 27.09.2022.

Learned A.P.P. for the State on the basis of material available on record opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered articles is Heroine.

Considering the facts and circumstances of the case and the quantum of recovery, let the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned District Judge -cum- Special Court, N.D.P.S Act, Buxar in connection with Buxar (Town) P.S. Case No. 534 of 2022 with 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/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled 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.

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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