

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67710 of 2022

Arising Out of PS. Case No.-507 Year-2022 Thana- PURNEA SADAR District- Purnia

Pritam Kumar Son of Late Ramchandra Das R/o- Belori, Ward No. 43, P.S.-
Sadar (Muffasil), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Bijendra Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sadar (Mufassil) P.S. Case No. 507 of 2022
giving rise to Special Case No.49 of 2022 (NDPS Act),
registered for the offences punishable under Sections 8(C)/21(b)
of the NDPS Act.

Allegedly, the police on a secret information
apprehended the petitioner and in course of search 7 gm Smack
(Heroin) like substance was recovered.

Learned counsel appearing on behalf of the petitioner



submits that the alleged recovered heroin like substance is although above the small quantity but much below the commercial quantity and as such the rigorous provided under Section 37 of the NDPS Act would not be applicable, apart from the fact that the sample of the seized substance has been sent to the forensic science laboratory but charge-sheet has been submitted without obtaining the chemical report which makes the entire prosecution suspicious. He further submits that there is no compliance of Section 50 of the NDPS Act, inasmuch as seizure has neither been made in the presence of Gazetted Officer nor the Magistrate. He lastly submits that the petitioner having fair antecedent, is in custody since 15.07.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovered substance is much below the commercial quantity and the petitioner having fair antecedent, is in custody since 15.07.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnea in connection with Sadar



(Mufassil) P.S. Case No. 507 of 2022 giving rise to Special Case No.49 of 2022 (NDPS Act), subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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