

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70253 of 2022

Arising Out of PS. Case No.-325 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

Birbal Kumar @ Birbail Kumar Son of Rameshwar Rai @ Ramaishwar
Yadav R/V- Daulatpur, P.S- Ara Muffasil, Dist- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
02.10.2022 in connection with N.D.P.S.(Special) Case No. 52 of
2022 arising out of Ara Muffasil P.S. Case No. 325 of 2022,
F.I.R. dated 02.10.2022 for the offences punishable under
Section 20 of the N.D.P.S. Act.

Recovery is of total 34.1 Gram Heroin/Smack/Drugs.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent 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 all together 34.1
Grams of Heroin like contraband was recovered from the Tempo
in question and the petitioner was driver of the said Tempo in



question. He further submits that there is non-compliance of Section 42 and 50 of the N.D.P.S. Act.

Learned A.P.P. has vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is more than the small quantity and the F.S.L. report also confirms that the recovered contraband is Heroin, which is quoted herein below :-

“ Result of Examination

1. Acetaminophen was detected in the contents of polythene packet (paper envelope marked B) as described above.

Acetaminophen commercially known as ‘PARACITAMOL’ which used in treatment of fever.

2. No Heroin or Brown sugar was detected in the contents of polythene packet (paper envelope marked B)”

The recovery of 34.1 grams of Heroin from possession of the petitioner would not justify that the petitioner had no knowledge of the narcotic nor there is any material to substantiate that the petitioner would not commit such offence in the event of release.

Considering the aforesaid facts, I am not inclined to



enlarge the petitioner on bail in connection with N.D.P.S.(SL)
Case No. 52 of 2022 arising out of Ara Muffasil P.S. Case No.
325 of 2022 pending in the court of learned Sessions Judge,
Bhojpur at Ara.

Prayer is refused.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

