

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72197 of 2022

Arising Out of PS. Case No.-785 Year-2022 Thana- DANAPUR District- Patna

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ADITYA RAJ @ SURAJ KUMAR S/o Sri Satendra Sharma @ Satendra Kumar @ Jitendra Sharma R/o village- P.O. Mauri, P.S.- Khiri More, Distt- Patna - 804426.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Narcotic Dept. New Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Adv.
Mr. Ravi Kumar, Adv.

For the Opposite Party/s : Mr. Ankit Kumar Singh, JC to CGC

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

5 27-04-2023 Heard Mr. Y.C. Verma, the learned senior counsel for the petitioner as well as the learned counsel for Union of India.

In this case, the petitioner is seeking regular bail in connection with Danapur P.S. Case No. 785 of 2022, registered for the offences punishable under Sections 21(b) of the NDPS Act.

As per allegation, 188 grams of heroin was recovered from the possession of the petitioner.

The learned senior counsel, Shri Yogesh Changra Verma has submitted that as per FSL report the seized substance was found to be Phenothiazine and Promethazine, which is not a psychotropic substance, as such the provisions of NDPS Act does not attract.

A report was also called for from the FSL as to whether the substance is psychotropic substance or not? The report of FSL dated 08.04.2023 has been received and annexed with the record as flag 'Q' which shows that the seized substance was not a



psychotropic substance.

The learned counsel for the Union of India has fairly conceded that as per the report of FSL the seized material is not psychotropic substance.

Considering the above-mentioned facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XXIV, Patna in connection with Danapur P.S. Case No. 785 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Sudha/Sonali

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