

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75355 of 2023

Arising Out of PS. Case No.-34 Year-2020 Thana- BIHIA District- Bhojpur

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Bahadur Paswan, S/O Ramanand Paswan, R/O Village- Babura, P.S.. Koilwar,
Dist. Bhojpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rajani Ranjan Pd. Singh, Advocate
For the Opposite Party : Mr. Chandra Bhushan Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 11-12-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with N.D.P.S. Case No. 05 of 2020, arising out

of Bihiya P.S. Case No. 34 of 2020 dated 11.02.2020

registered for the offence punishable under Section 21 (C)

of the N.D.P.S. Act.

4. As per the prosecution case, total 295 gram of

Heroin (brown sugar) was recovered from the house of the



apprehended co-accused, Dhurandhar Paswan, who disclosed that the petitioner and the co-accused Indu Bhushan Paswan kept the same for sell.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that recovery was not made from the possession of the petitioner rather recovery of Heroin was made from possession of the co-accused Dhurandhar Paswan. The petitioner was not apprehended on the spot rather his name has sprung up in the present case on the disclosure made by the apprehended co-accused Dhurandhar Paswan. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand)



with two sureties of the like amount each to the satisfaction of learned court concerned, Bhojpur at Ara, in connection with N.D.P.S. Case No. 05 of 2020, arising out of Bihiya P.S. Case No. 34 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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