

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70901 of 2022

Arising Out of PS. Case No.-338 Year-2022 Thana- DELHA District- Gaya

RAJA KUMAR Son of Kail Yadav R/V- Govindpur, P.S- Chandauti, Dist-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Delha P.S.
Case No. 338 of 2022 dated 24.09.2022 a case registered for the
offence under Sections 8, 20(b)(ii)A/25 of the Narcotics Drugs
Psychotropic Substance Act.

Recovery is of 10 gram of heroin (smack) recovered
from the conscious 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 it
appears from the F.I.R. and the seizure list that 10 grams of
heroin has been recovered from the conscious possession of the
petitioner. He further submits that recovered quantity of 10



grams of heroin does not come under the purview of commercial quantity, therefore, Section 37 of the N.D.P.S. does not come into play in this case. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 24.09.2022.

Learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the alleged recovery is heroin.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, ***after framing of charge***, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge- cum- Special Judge, N.D.P.S. Act, Gaya in connection with Delha P.S. Case No. 338 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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