

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4656 of 2023

Arising Out of PS. Case No.-429 Year-2022 Thana- BUXAR District- Buxar

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DADAN PRASAD SON OF LATE BIDASHI PRASAD R/O MOHALLA-SHANTI NAGAR, WARD NO.34, P.S.- BUXAR (NAGAR), DISTRICT-BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta
For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case instituted for the offence under Sections 21, 22 and 27 of the N.D.P.S. Act.

As per prosecution case, on secret information received that co-accused Asha Devi, selling *Heroine* like intoxicating substance near her house. The police party reached at that place and there has been recovery of 6.4 gm *Heroine*, which was kept in 15 sachets from the her right hand. Petitioner is the husband of co-accused, both are said to have involved in



purchasing and selling the intoxicating substance like *Heroine*.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. The name of the petitioner has come into light, on the confessional statement of co-accused Asha Devi. Nothing incriminating article has been recovered from the conscious possession of the petitioner but the same was recovered from co-accused, Asha Devi. Petitioner has no concern with the seized *Heroine*. He submitted that seized *Heroine* like substance does not come within the purview of commercial quantity as per N.D.P.S. Act. He further submitted that petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 11.08.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned District



Judge-cum-Special Court, NDPS Act, Buxar in connection with
Buxar P.S. Case No. 429 of 2022.

(Sunil Kumar Panwar, J)

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