

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7254 of 2024

Arising Out of PS. Case No.-592 Year-2023 Thana- PURNEA SADAR District- Purnia

Prince Kumar @ Prince Kumar Jaiswal S/O Mantu Jaiswal Village- Chandan
Nagar, Gulabagh, Ward No. 38, Ps. Sadar, Dist. Purnea.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Adv.
	:	Mr. Kumar Rajdeep, Adv.
	:	Mr. Bidhu Ranjan, Adv.
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Special Case No.75 of 2023 arising out of Sadar(Muffasil) P.S.
Case No. 592 of 2023 lodged under Sections 8(c)/17(b)/25 of
the N.D.P.S. Act.

3. As per the prosecution case, the F.I.R. has been
lodged against the present petitioner against whom it has been
found that from his vehicle, opium like substance weighing 64.4
gram has been seized.

4. Learned counsel for the petitioner submits that the
said recovery has been made not from the conscious possession
of the petitioner rather it has been alleged to be made from the
vehicle which transpires from the seizure list.

5. Counsel further submits that after seize, the said
material was sent to the Kolkata for chemical examination to the
Custom House Laboratory from where the report has come that



the presence of opium could not be ascertained in this laboratory. He further submits that from the Forensic Lab, Patna, second test report has been called for, from where it has been detected that the material is derivative of morphine.

6. Counsel further submits that the prosecution allegation is itself in contradiction as one laboratory says that it is an opium and in another laboratory, it is not opium.

7. Counsel for the petitioner submits that petitioner is in custody since 03.07.2023 having clean antecedent and charge-sheet has already been filed in this case.

8. Counsel further submits that petitioner is a law abiding citizen and shall abide all the conditions whatsoever shall be imposed upon him.

9. Learned counsel for the State opposes the prayer for bail and submits that the said material is between the small quantity and commercial quantity.

10. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnia, in connection with Special Case No.75 of 2023 arising out of Sadar(Muffasil) P.S. Case No. 592 of 2023, subject to the



following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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