

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11526 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- SURYAPURA District- Rohtas

Santosh Pandey Son of Surendra Pandey Resident of Village- Kharoj Kala,
P.S.- Suryapura, District- rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Rajani Kant Singh, Adv.
For the Opposite Party/s	:	Ms.Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-02-2024 Heard Mr. Yogesh Chandra Verma assisted by Mr.

Rajani Kant Singh, learned senior counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. Case No. 03 of 2024 arising out of Suryapura P.S.
Case No. 235 of 2023 instituted for the offences under Section
20(b) and 22(b) of the N.D.P.S. Act.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence and
arrested three persons from there including the present
petitioner. On search, total 8.43 mg. Heroin like narcotic
substance and cash of Rs. 3260/- and two mobile were
recovered from the possession of co-accused Munshi Giri.



Further, Rs. 13,100 and one Realme mobile was recovered and from the possession of co-accused Deepak Kumar and from the possession of the petitioner, one old Mobile, one key of Motorcycle and one T.V.S. Scooter bearing Registration No. BR24AA/5541 were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the Narcotic substance and cash were recovered from the possession of the co-accused Munshi Giri and nothing has been recovered from the possession of the petitioner except a mobile, key of the motorcycle and a T.V.S. Scooter which were of the petitioner. The petitioner has no concern with the seized narcotic substance. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. He further submits that since no narcotic substance has been recovered from the possession of the petitioner, no offence under Section 20(b) and 22(b) of the N.D.P.S. Act is made out against the petitioner. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The quantity of Heroin recovered is much below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is



not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner is languishing in judicial custody since 04.11.2023. Charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with N.D.P.S. Case No. 03 of 2024 arising out of Suryapura P.S. Case No. 235 of 2023.

(Rudra Prakash Mishra, J)

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