

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40935 of 2024

Arising Out of PS. Case No.-272 Year-2010 Thana- BARUN District- Aurangabad

Bhola Paswan @ Bhola Ram Son of Jaikaran @ Jagarnath Paswan Resident
Of Village - Paswan Tole, Mohania, P.S.- Mohania, Distt- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Barun P.S. Case No. 272 of 2010 registered for the

offences under Sections 17, 21, 22, 25, 27 and 27 A of

the N.D.P.S. Act (in short Act).

3. The petitioner is named in the F.I.R. and is

in custody since 22.02.2024.

4. As per the case of prosecution 150 grams

and 95 grams of heroin was recovered from the

conscious possession and from the house of Anil



Chaudhary, where during the course of investigation said co-accused Anil Chaudhary stated that he used to purchase heroin from one Tejbahadur Rai and sell it with the help of Nathuni Sah, Guddu Chaudhary, Gulampir @ Langra, Bhola Paswan, Indrachand Sah @ Rang Chand Sah and Teishun Nisha @ Teishun Bibi.

5. Learned counsel appearing on behalf of the petitioner submitted that alleged contraband not appears to be recovered from the conscious physical possession of petitioner and even after assuming the accusations no offence under Section 27 A of the Act is made out. It is submitted that factual background of this case, *prima facie*, failed to attract rigorous provisions of Section 37 of the Act. It is pointed out that co-accused Indra Chand Sah and Tej Bahadur Roy were granted bail by learned Co-ordinate Benches of this Court through Cr. Misc. No. 10546 of 2011 dated 01.04.2011 and Cr. Misc. No. 13863 of 2011 dated 02.05.2011, respectively. It is further submitted that main co-accused Anil Chaudhary



from whose possession alleged contraband appears to be recovered has already granted bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 51203 of 2013 dated 05.02.2014. While concluding the argument it is submitted that petitioner found involved in one more criminal case of similar nature, where he is on bail and moreover, investigation of this case has completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as there is no recovery of contraband from the conscious physical possession of petitioner, where several similarly situated co-accused has already granted bail by learned Co-ordinate Benches of this Court as stated above, coupled with the fact as petitioner is in custody since 22.02.2024, where charge-



sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Barun P.S. Case No. 272 of 2010 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act-cum-Additional District & Sessions Judge, 1st Aurangabad/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

