

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40970 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- DHAMDAHA District- Purnia

Buchan Miyan Son of Rafique Miyan Res of village - Nirpur, Ward No.- 14,
P.S.- Dhamdaha, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 26-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Dhamdaha P.S. Case No. 76 of 2024 for the offence under
Section 22 of the N.D.P.S. Act lodged on 22.03.2024 by the
informant, Pradeep Kumar Thakur.

3. As per the prosecution story, the police during
patrolling, upon secret information, apprehended the petitioner
and upon search, there is recovery/seizure of 33 strips of
Pyeevon Spas Plus NRX and other tables which is used as an
analgesic for pain. The petitioner who runs a grocery shop,
failed to produce any document which resulted into his arrest
which led to the F.I.R.

4. Learned counsel for the petitioner submits that the



medicines were being kept for personal purposes as it gives relief from the pain which he/family members are having, has no criminal antecedent and is in custody since 22.03.2024 (para-12 of the petition).

5. Learned APP for the State, on the other hand, opposes the prayer for bail submitting that though it is below the commercial quantity of 250 gram, such large quantity of analgesic cannot be possessed for personal purposes..

6. The F.S.L. report has come from the Regional Forensic Science Laboratory, Bhagalpur and it has endorsed that the content is Pyeevon Spas Plus NRX which is used as an analgesic to reduce the moderate pain.

7. however, taking into account the aforesaid submissions put forwarded by the parties as also that it is below the commercial quantity, he is in custody since 22.03.2024 and has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge (N.D.P.S.) Act, Purnea in connection with Dhamdaha P.S. Case No. 76 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative 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 the failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

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

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

(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 his bail bonds.

(Rajiv Roy, J)

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