

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64285 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- DELHA District- Gaya

Sonu Kumar S/O Birendra Paswan @ Virendra Paswan @ Virendr Paswan,
R/o - Village- Chhotki Nawada, PS- Delha, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party : Mr. Bhanu Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2024 Heard Mr. Sunil Kumar Yadav, the learned counsel

for the petitioner and Mr. Bhanu Pratap, the learned Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

06.05.2024, in connection with Delha P.S. Case No. 249 of

2023, FIR dated 05.10.2023, registered for the offences

punishable under Sections 8(C), 21(a) and 29 of the N.D.P.S.

Act.

3. Earlier the petitioner has moved before this

Hon'ble Court in Cr. Misc. No. 20992 of 2024, which was

rejected vide order dated 04.04.2024.

4. According to the prosecution case, after receiving

confidential information that one Birendra Paswan along with

two boys is selling heroin at Sanjay Nagar, the informant



reached at the alleged place and upon seeing the police, three persons started fleeing, however, two of them were apprehended and from their possession altogether 2.1 grams of heroin was recovered.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that from perusal of FIR and seizure list, it appears that nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from the possession of apprehended co-accused persons namely, Birendra Paswan and Sagar Kumar. He further submits that on the basis of disclosure made by the apprehended co-accused persons, the name of petitioner has transpired in the present case. He further submits that according to FIR and seizure list, 2.1 grams of heroin has been recovered from the possession of apprehended co-accused persons and the recovered quantity of the contraband is less than small quantity. He lastly submits that the co-accused person namely, Birendra Paswan @ Virendra Paswan, from whose possession the contraband was recovered, has been granted regular bail by a co-ordinate Bench of this Court vide order dated 16.01.2024 passed in Cr. Misc. No. 700 of 2024, and the petitioner is in custody since 06.05.2024.



6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one, however, he fairly admits that petitioner is on bail in one case.

7. Considering the aforesaid facts and circumstances and mainly the facts that nothing has been recovered from the conscious possession of the petitioner, the recovered quantity of contraband is less than small quantity and the apprehended co-accused person, from whose possession the contraband was recovered, has been granted regular bail, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Gaya, NDPS Case No. 41 of 2024. in connection with **Delha P.S. Case No. 249 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall



be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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

