

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85583 of 2024

Arising Out of PS. Case No.-515 Year-2024 Thana- BUXAR District- Buxar

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Ashutosh Raj Son of Sonu Rajak Resident of Mohalla- Shanti Nagar, P.S.-
Buxar (T), Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shreekant Pandey, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-12-2024 Learned counsel for the petitioner submits that the FIR has been typed not in accordance with allegation and the same could not be corrected in time for which he submits apology and further will be paying Rs. 500/- to Patna High Court Legal Services Committee submitting the receipt in course of the day.

2. The petitioner is in judicial custody in connection with Pre-Trial NDPS Case No. BRBU10P0012402024 arising out of Buxar (Town) P.S. Case No. 515 of 2024 for the offence punishable under Sections 21(b), 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 lodged on 24.09.2024 by the informant, Siyaram Rajjak.

3. As per the prosecution story, the recovery/seizure is/are 32 sachets with *heroin* like substance weighing 24.46



grams with paper and without the paper 9.80 grams. Further, in a plastic, there was another *heroin* like substance weighing 6.46 grams and without plastic, it was 6.14 grams, totalling 15.94 grams.

4. Learned APP opposes the prayer though concedes that it is below the commercial quantity.

5. Taking into account the aforesaid facts as also that he do not have criminal antecedent, is in custody since 25.09.2024, the recovered/seized quantity is below the commercial one, in that background, this Court is inclined to extend him the privilege of bail with conditions.

6. 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 Principal District and Sessions Judge cum Special Judge, N.D.P.S. Act, Buxar, in connection with Pre-Trial NDPS Case No. BRBU10P0012402024 arising out of Buxar (Town) P.S. Case No. 515 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 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 six months 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 the bail bonds;

(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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