

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3201 of 2025

Arising Out of PS. Case No.-98 Year-2024 Thana- Bathnaha District- Araria

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Dashrath Poddar, S/O Late Umesh Poddar, R/O Mohalla- Durgapur, P.S.-
Katihar, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Prakash, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Bathnaha P.S. Case No. 98
of 2024 registered for the offence punishable under Sections
8(c) and 21(b) of the Narcotic Drugs & Psychotropic Substance
Act, 1985 (in short N.D.P.S. Act).

3. The police on a tip off smuggling of Heroin (Brown
Sugar) conducted raid in a scrap shop. Two persons including
the petitioner were apprehended. From the possession of the co-
accused Pawan Kumar @ Bablu Pandey 100 grams of Heroin
(Brown Sugar) was recovered. The petitioner is said to be owner
of the scrap shop, from where the recovery has been made.



4. Learned Advocate appearing on behalf of the petitioner contended that from the narrations made in the F.I.R., it is evident that the alleged recovery has been made from the possession of co-accused Pawan Kumar @ Bablu Pandey. The petitioner was not even knowing this fact that the co-accused Pawan Kumar @ Bablu Pandey was carrying some narcotic substance, moreover, he has never been indulged in such type of crime, having absolutely fair antecedent. There is no compliance of Section 42 of the N.D.P.S. Act; and, even if, for the sake of argument, the allegation taken to be true, that 100 grams Heroin (Brown Sugar) has been recovered from the possession of co-accused person, admittedly it comes below the commercial quantity and, as such, the rigors provided under Section 37 of the N.D.P.S. Act would not be applicable in the case in hand; now the petitioner is incarcerated since 03.09.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the materials available on record clearly suggest that the petitioner alongwith co-accused persons are involved in smuggling of narcotic substance and the recovery has been made from his scrap shop.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the alleged recovery has been made from the possession of co-accused person and save and except the allegation that the petitioner being owner of the scrap shop, there is no other material coupled with the fair antecedent and the investigation of the crime is complete and the chargesheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Session Judge cum Special Judge N.D.P.S. Act, Araria in connection with Bathnaha P.S. Case No. 98 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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