

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7569 of 2025

Arising Out of PS. Case No.-873 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Sunil Paswan @ Sunil Kumar S/O Lakhindra Paswan @ Lakhinder Paswan
R/O Vill.- Chakbaladhari, P.S. -Hajipur Sadar, District -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Hajipur Sadar P.S. Case No. 873 of 2023/873(A) of 2023
instituted for the offences under Sections 25(1-b)/26/35/27
of the Indian Penal Code and Section 8(c)/21(b) of the
N.D.P.S. Act.

3. As per prosecution case, the police has recovered
102.96 Grams Smack from the possession of the co-accused
Rahul Kumar. It is alleged that the petitioner was also with
him at the time of occurrence but, he managed to escape
away from there.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence at all as alleged against him rather he has falsely been implicated in the present case only with a view to cause harassment. The name of the petitioner has transpired in this case on the basis of the confessional statement of the apprehended co-accused Rahul Kumar before the police officials which has no evidentiary value in the eye of law. The petitioner is not the owner of the seized motorcycle. The petitioner is also not related in any manner with the other co-accused persons of this case. Learned Learned counsel for the petitioner has canvassed that the quantity of contraband article Smack recovered from the possession of the petitioner is of course more than the small quantity, but less than the commercial quantity and, hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. Nothing incriminating has been recovered from the conscious/physical possession of the petitioner. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is also non-



compliance of Section 103 of the B.N.S.S. The petitioner has five criminal antecedents and is languishing in judicial custody since 30.08.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner has five criminal antecedents and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case and the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Hajipur Sadar P.S. Case No. 873 of 2023/873(A) of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

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

