

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20558 of 2025

Arising Out of PS. Case No.-90 Year-2025 Thana- MOHANIYA District- Kaimur (Bhabua)

Anmol Singh S/o- Vidyasagar Singh Resident of Village- Aaladahi, PS-
Mohania District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Mohania P.S. Case No. 90 of 2025 registered for the alleged offences under Sections 8(c) & 21(b) of N.D.P.S. Act.

3. As per prosecution case, during night patrolling, police party of the informant received information about petitioner indulging in sale and purchase of intoxicant from his house. A raid was conducted in the house of the petitioner and from the room of the petitioner, recovery of 8 puriya containing heroin like substance was made. The weight of the puriya and the contraband in it came to be 8.50 gm. One electronic weighing machine in damaged condition was also recovered from the room of the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR it is clear that the weight of the heroin like substance was not taken after removing the wrapper. So the weight could be much below the small quantity of 5 gm. Learned counsel further submits that moreover when there has been information about contraband being dealt with by the petitioner, it was incumbent upon the police to ensure the compliance of Sections 42 and 50 of the NDPS Act. Still flouting of the mandatory provisions, the police raided the house of the petitioner and shown recovery of heroin like substance which was not put to any test and it is doubtful whether the substance was heroin or not. No sample was drawn as has been apparent from the written report. No independent witnesses were present during search and seizure. The petitioner is having antecedent of two cases and he is on bail in both the cases. The petitioner is in custody since 08.02.2025.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the recovery of 8.50 gm of heroin was made from the room of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fault in investigation and doubt over nature of the contraband and its quantity which appears to be small and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge -cum- Special Judge, Kaimur at Bhabua. /concerned Court in connection with Mohania P.S. Case No. 90 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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