

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50986 of 2017

Arising Out of PS. Case No.-110 Year-2017 Thana- SACHIWALAYA District- Patna

Surendra Prasad @ Ashok Prasad, Son of Late Raja Ram Sao, Resident of Village-Sadisopur Bazar, P.s.-Bihta, District-Patna and at Present Near Yarpur Gumti, P.S.-Gardanibagh, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Mr. Pravin Kumar
		Mr. Ritwaz Raman
For the State		Mr. AWADHESH KUMAR SINGH, APP

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL ORDER

2 20-11-2017 Heard both sides.

Prayer is for grant of bail in Special (NDPS) Case No. 107 of 2017 arising out of Sachiwalya P.S. Case No. 110 of 2017 registered under diverse penal provisions of the NDPS Act.

From the possession of the petitioner 1.25 kg of Ganja packed in 305 plastic pouches was/were recovered.

Learned counsel for the petitioner submits that such recovery was made while he was at his hut. In effecting search and seizure the prosecution has breached the provisions 41(1) and 50 of the NDPS Act. The petitioner is in custody since 31.07.2017 having no criminal antecedents. The amount allegedly recovered was a little more than the small quantity.



Counsel for the State opposed the prayer.

Having considered the submissions, prayer for bail is rejected.

The petitioner shall have liberty to renew his prayer for bail in the court below after 08 months which shall be considered and disposed of on its own merit in accordance with law uninfluenced by the present order.

(Kishore Kumar Mandal, J)

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