

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3977 of 2017

Arising Out of PS.Case No. -284 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Mohan Mallah, son of Late Agnu Mallah, resident of Mallah Toli, Mohania,
P.S: Mohania, District: Kaimur. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 20-04-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

FSL report has been received. Photostat copy of the same is
on record and the original is in office.

The petitioner seeks bail in connection with Mohania P.S.
Case No. 284 of 2016 registered for the offences punishable under
Sections 17, 22, 25, 27, 27(A) of Narcotic Drugs & Psychotropic
Substance Act.

Allegedly, about 87 grams of Heroin was recovered from
possession of the petitioner besides weighing machine, cash of Rs.
51,300/- etc.

Submission is of false implication and that nothing has been
recovered from conscious possession of the petitioner. The
recovered quantity does not come under the purview of
commercial quantity as the commercial quantity is 250 grams and



as such the petitioner deserves sympathetic consideration as he is in custody since 10.06.2016.

Learned APP opposes the prayer of bail by submitting that the small quantity is 5 grams and recovered quantity is about 18 times more than the small quantity.

In the facts and circumstances stated above, at present, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, the petitioner is at liberty to renew his prayer of bail after completing one year in custody.

Office is directed to return the FSL report to the court concern at once.

(Jitendra Mohan Sharma, J)

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