

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 69456 of 2018

Arising Out of PS. Case No.-115 Year-2018 Thana- Sonpur Rail P.S. District- Saran

Mahesh Singh, Son of Late Nand Kishor Singh, resident of Village- Bidupur
Barati, P.S. Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gaurav Kumar
		Smt. Sanjana
For the Opposite Party/s	:	Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 30-11-2018 Heard Sri Gaurav Kumar, learned counsel assisted by
Smt. Sanjana, learned counsel for the petitioner and Sri Binod
Kumar, learned Addl. Public Prosecutor.

The sole petitioner, who is in custody only since 19-08-2018, has prayed for grant of bail in N.D.P.S. Case No. 16 of 2018, arising out of Sonpur Rail P.S. Case No. 115 of 2018 registered for offence under Sections 8, 20 & 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short 'N.D.P.S. Act').

Learned counsel for the petitioner submits that though, it was alleged that on chase, the petitioner was apprehended and from possession of the petitioner, one bag was recovered containing 10 Kg. 134 gm. of *Ganja*, but fact remains



that the search was in contravention of Section 50 of the N.D.P.S. Act. He further submits that petitioner has falsely been implicated in the present case.

Considering the nature of accusation as well as the fact that recovery was affected from the possession of the petitioner itself and it was not his personal search, rather from a bag, which was being carried by the petitioner, recovery was made, there is no question of violation of Section 50 of the N.D.P.S. Act.

The prayer for bail stands dismissed.

(Rakesh Kumar, J.)

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