

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19361 of 2018

Arising Out of PS.Case No. -28 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Pradeep Singh, Son of Dhupan Singh, resident of Village Jokiyari P.S.
Raxual, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 02-07-2018 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with

Raxaul PS case no. 28 of 2016 instituted for the offences

punishable under Sections 20, 22, 23, 24 of N.D.P.S Act.

The allegation is regarding recovery of 2.9 kg of

charas from the petitioner herein.

The learned counsel for the petitioner submits that

the seizure is vitiated since the same has been signed by the police

personnel. It is further submitted that the petitioner is languishing

in custody since 03.02.2016.

I have heard the learned counsel for the parties

and gone through the record. I find that the commercial quantity



under N.D.P.S. Act, 1985 for the substance *charas* is 1 kg. whereas recovery from the petitioner is 2.9 kg., hence this Court does not find the present case to be a fit case for grant of regular bail, especially in view of Section 37 of N.D.P.S. Act, 1985 wherein this Court, for the purposes of grant of regular bail, would have to first come to a finding of the petitioner's innocence, which is not possible at this stage. Hence, I do not find any merit in the present petition, accordingly the same is dismissed.

(Mohit Kumar Shah, J)

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