

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13945 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- AKBARPUR District- Nawada

Sanjay Kumar @ Sanjay Prasad, aged about 45 years (Male) Son of Late
Saryug Prasad @ Saryu Singh Resident of Village- Jahana, P.S.- Akbarpur,
District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Sen Prasad Singh

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 03-06-2020 Heard learned counsel for the petitioner and learned
counsel for the State through virtual court proceeding.

In this case, the petitioner is seeking bail in
connection with Akbarpur P.S. Case No. 04 of 2020 registered
for offences under sections 8(b), 20(a)(b) of the N.D.P.S. Act.

On receipt of secret information, a raid was
organized whereafter the village of the petitioner was raided
including the house of the present petitioner and the police
recovered ten Ganja plants weighing 60 Kg. from the land
situated adjacent to the house of the present petitioner.

Learned counsel for the petitioner submits that it is
a fictitious case, inasmuch as, Section 50 of the N.D.P.S. Act has
not been complied as search and seizure was not made and



prepared bearing signature of Gazetted Officer or the Magistrate and prepared the same without following the mandate of Section 100 Cr.P.C. and the search has been done in dual capacity by S.D.P.O. who was a member of the raiding party.

So far as the irregularity in preparing the seizure list is concerned, it will be seen at the time of trial. For the present, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, above named, is rejected.

(Shivaji Pandey, J)

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