

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27151 of 2020

Arising Out of PS. Case No.-407 Year-2019 Thana- KOTWALI District- Patna

SUBHASH KUMAR Son of Ramanuj Yadav Resident of Village- Bhatsara,
P.S.- Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha

For the Opposite Party/s : Mr.Ram Chandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-10-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Special Case No. 55 of
2019 arising out of Patna Kotwali P.S. Case No. 407 of 2019
instituted for the offences under Sections 8(c), 21(c) and 29 of
the N.D.P.S. Act.

The prosecution case in short is that 655 gram heroine



has been recovered in this case.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 8.5.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has been made accused due to mistake of fact. 855 gram heroine is alleged to have been recovered from the bag of the petitioner. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The alleged recovered contraband is above the commercial quantity. In the light of the provisions of Section 37 of the N.D.P.S. Act, the petitioner cannot be granted bail.

Considering the nature of accusation, I am not inclined to grant bail to the petitioner. The prayer is rejected. The Trial Court is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

