

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35744 of 2021**

Arising Out of PS. Case No.-456 Year-2020 Thana- DUMRAO District- Buxar

ABHISHEK KUMAR SHARMA Son of Shivjee Sharma Resident of Village
- Old Bhojpur Road near Shahidi Gate, P.S.- Dumrao, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Kumar

For the Opposite Party/s : Mr. Dasrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 28-10-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 20/22 of the NDPS Act

As per the prosecution case, 5.840 grams of narcotic
substance has been recovered from the possession of the
petitioner

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. No incriminating article has been recovered from the
conscious possession of the petitioner. It is further submitted
that in the FIR only Madak Padarth has been mentioned but
specific nature of Madak Padarth has not been disclosed either
in the FIR or in the seizure list. It is submitted that mandatory
provision with regard to search and seizure has not been



followed and since the recovered quantity of narcotic substance is less than commercial quantity, rigours of Section 37 of the NDPS Act could not be attracted against this petitioner. Petitioner claims clean antecedent and is in custody since 15.12.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that huge quantity of narcotic substances has been recovered from the possession of the petitioner.

Considering the facts of the case and nature of accusation made against this petitioner, prayer for bail of this petitioner is rejected.

However, once charge is framed and trial commences, the petitioner, shall be released on bail by the trial court to its own satisfaction on the condition that the petitioner will co-operate in the trial.

(Prabhat Kumar Singh, J)

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