

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31815 of 2021**

Arising Out of PS. Case No.-48 Year-2021 Thana- NAWANAGAR District- Buxar

Nagendra Nat S/o Virendra Nat R/o village- Athar, P.S.- Navanagar
(Basudeva O.P.), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Ji Ojha

For the Opposite Party/s : Dr. Ajit Kumar

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

2. 27-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Nawanagar (Basudeva O.P.) P.S. Case No. 48 of 2021, registered for the offence under Section 399/402 of the I.P.C., Sections 20 (b)(ii)(c) / 22 (b) of the N.D.P.S. Act.

As per prosecution case, 6.930 gm. of *Heroine* has been recovered from possession of this petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the possession of the petitioner. Mandatory provision with regard to search and seizure has not been followed. The alleged recovered *Heroine* is less than commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted. There is no allegation of



tampering with the evidence against this petitioner. Petitioner has got clean antecedent and he is in custody since 03.02.2021.

However, learned A.P.P. for the State has opposed the bail petition and submitted that in this case, there is recovery of *Heroine* from the possession of this petitioner and as such, petitioner may not granted the privilege of bail.

Considering the rival submissions of the parties and the recovery of alleged *Heroine*, I am not inclined to grant bail to the petitioner and same is rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that he will cooperate in disposal of trial and appear before the trial court, as and when required.

(Prabhat Kumar Singh, J.)

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