

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31838 of 2021**

Arising Out of PS. Case No.-48 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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PAPPU KUMAR YADAV S/O Ram Nandan Yadav Resident of Village -
Naga Bigha, P.S. - Aurangabad Town, District - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Harendra Prasad, APP

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

2 27-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 21(b), 22(b) of the
N.D.P.S. Act.

As per the prosecution case, 9.500 gram of Heroin has
been recovered from the shop 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 and he is no way
concerned with the alleged recovery. The shop in question does
not belong to the petitioner. The recovered narcotic is below the
commercial quantity and as such rigours of Section 37 of



N.D.P.S. Act is not attracted. Petitioner is in custody since 06.02.2021.

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

Considering the facts of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the same 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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