

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38093 of 2021**

Arising Out of PS. Case No.-19 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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JAFIR HUSSAIN Son of Md Jane Alam Resident of Village- Bhawanipur,
P.S.- Darpa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Ram Naresh Ray

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

2 23-09-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Excise PR Case No. 19 of

2020 corresponding to NDPS Case No. 74 of 2020, registered

for the offence punishable under Sections 18(c), 21(b) of the

NDPS Act.

As per the prosecution case, 150 gms. of Smack has

been recovered from possession of this petitioner.

It is submitted on behalf of the petitioner that nothing

has been recovered from conscious possession of this petitioner.

Alleged recovery is less than commercial quantity, as such



rigorous of Section 37 of the NDPS Act, would not be attracted. Mandatory provision of search and seizure has not been followed and petitioner is in custody since 22.12.2020 having clean antecedent. Investigation is complete. There is no allegation of tampering with the evidence against the petitioner.

However, counsel for the State vehemently opposed the bail application.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the 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 petitioner will cooperate in disposal of trial and appear before the court, as and when required.

(Prabhat Kumar Singh, J)

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