

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40959 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- JOGBANI District- Araria

Md. Mohsin Son of Md. Zakir Hussian Resident of Village - Bari Chobla,
P.S.- Jaitpur, District - Udham Singh Nagar, (Uttarakhand.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-11-2021 Heard both parties.

The petitioner seeks bail in Jogbani P.S. Case No. 37 of 2021 corresponding to Special Case No. 07 of 2021, registered for the offence punishable under Sections 20, 21-B, 22, 23 of the NDPS Act.

As per the prosecution case, three persons including this petitioner on two motorcycles were apprehended and on search, 50 gms. of Brown Sugar was 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. The alleged recovered Brown Sugar 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. Petitioner is having clean antecedent and he is in custody since 20.02.2021.

However, counsel for the State vehemently opposed the prayer for bail and submitted that huge quantity of narcotic substance, Indian and Nepali currency, ATM card, Driving license, wrist watch, head phone have been recovered from possession of this petitioner.

Considering 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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