

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41442 of 2021

Arising Out of PS. Case No.-132 Year-2021 Thana- RANIGANJ District- Araria

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Amit Kumar @ Amit Mehta @ Amit Kumar Mehta S/O Sadanand Mehta
Resident Of Village - Madhulatta, Ward No. 04, P.S. Raniganj, District -
Araria.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-10-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in Special
Case No. 16 of 2021/Raniganj Police Station Case No. 132 of
2021 registered for the offence punishable under sections
21(b), 22(b) and 25 of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

As per the prosecution case, 28 grams of Smack has
been recovered from the house of the petitioner.

Learned counsel appearing for the petitioner submits
that no incriminating material has been recovered from the
conscious possession of the petitioner. Even though, less than
commercial quantity of Smack is said to have been recovered
from the house of the petitioner. Mandatory provision



regarding search and seizure has not been followed, as such rigour of section 37 of the NDPS Act would not be attracted against the petitioner. Petitioner claims clean antecedent. He is in custody since 16.5.2021.

Learned counsel appearing for the State opposes the prayer for bail and submits that 28 grams of Smack has been recovered from the house of the petitioner.

Considering the rival submissions of the parties, materials available on the record and the quantity of recovery of narcotic substance, I am not inclined to grant bail to the petitioner. Petition for bail of the petitioner is rejected.

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

(Prabhat Kumar Singh, J)

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