

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44974 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- KOILWAR District- Bhojpur

Prince Kumar Son Of Surendra Rai Resident Of Village- Ram Nagar, P.S.-
Bihta, District- Patna ... Petitioner

Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Arvind Prasad Singh, Advocate

For the Opposite Party : Mr.Ashok Kr Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-11-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in NDPS Case No. 15/2021, Koilwar Police Station Case No. 96/21 registered for the offence punishable under section 21B of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 25.79 grams of Heroin was recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. Mandatory provision regarding search and seizure has not been followed as such rigours of section 37 of the NDPS Act would not be attracted against the petitioner. Petitioner claims clean antecedent. He is in custody since 14.3.2021.

Learned counsel appearing for the State opposes the prayer for bail and submits that huge quantity of Heroin has been recovered from the possession 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 itself on the condition that the petitioner will co-operate in disposal of the trial.

(Prabhat Kumar Singh, J)

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