

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45744 of 2021

Arising Out of PS. Case No.-250 Year-2021 Thana- BEUR District- Patna

ABHAY KUMAR S/o Babu Lal Yadav Resident of Mahadeva, P.S.-
Bariyarpur, District- Munger. At present Resident of Anju Devi Rukhiyar,
C/o- Ashok Kumar Singh, Near Pragya Jyoti Apartment, Yarpur, Rajputana,
P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-11-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in Beur
Police Station Case No. 250 of 2021 registered for the offence
punishable under section 8 and other allied sections of the
Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 37.8 grams of Brown sugar
has been 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. It is further
submitted that less than commercial quantity of Brown sugar
has been recovered from the possession of the petitioner 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 7.6.2021.

Learned counsel appearing for the State opposes the prayer for bail and submits that huge quantity of Brown sugar 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 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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