

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46747 of 2021

Arising Out of PS. Case No.-408 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Pankaj Kumar Mishra @ Chintu Mishra Son of Pawan Kumar Mishra
Resident of Mohalla- Patal Babu Road, Chandsi Dawakhana, Police Station-
Kotwali, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-11-2021 Heard both parties.

The petitioner seeks bail in Kotwali P.S. Case No. 408
of 2021 corresponding to NDPS Case No. 36 of 2021, registered
for the offence punishable under Sections 20/22 of the NDPS
Act.

As per the prosecution case, 11.700 gms of Brown
Sugar 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.
The recovered narcotic substance 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 claims clean antecedent and he is



in custody since 25.06.2021.

However, counsel for the State vehemently opposed the prayer for bail and submitted that huge quantity of narcotic substance has been recovered from possession of this petitioner.

Considering the nature of accusation, 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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