

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50055 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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RISHI KUMAR Son of Late Satyanarayan singh Resident of Mohalla - Urdu
Bazar (Rikabganj), P.S. - Tatarpur, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Choubey

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 29-11-2021 Heard learned counsel for the petitioner and the State.
- Petitioner seeks regular bail in a case registered for
the offence punishable under Section 20/22 of the N.D.P.S. Act.
- As per the prosecution case, 125 gram of Brown
Sugar (Smack), Rs. 12,530/- cash, pouches of polythene,
electronic weighing machine, Adhar Card and mobile phone
were recovered from the possession of the petitioner.
- Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. No incriminating article has been recovered from the
conscious possession of the petitioner and he is no way
concerned with the alleged recovery. It is submitted that
mandatory provision with regard to search and seizure has not



been followed and since the recovered quantity of narcotic substance is less than commercial quantity, rigours of Section 37 of the NDPS Act could not be attracted against this petitioner. Petitioner is in custody since 21.04.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that more than small quantity of Brown Sugar has been recovered from the possession of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

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

(Prabhat Kumar Singh, J)

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