

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55154 of 2021

Arising Out of PS. Case No.-464 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

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KESHAV KUMAR S/O VINAY JHA @ VIJAY JHA RESIDENT OF
VILLAGE- BARA JAGARNATH, P.S.- AHIYAPUR, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-12-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 414/34 of the IPC and u/s
8, 20(b) (ii) (B) of the N.D.P.S. Act.

As per the prosecution case, 60 Pudia of Smack, one
Pulsar motor and one Vivo mobile phone has been recovered
from the possession of the petitioner and altogether 70 gram of
smack has been recovered from the possession of three accused
persons, including this 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 claims clean antecedent and is in custody since 17.07.2021 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 Smack 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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