

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39746 of 2020**

Arising Out of PS. Case No.-612 Year-2019 Thana- PIRBAHOR District- Patna

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Jitendra Kumar Son Of Bhola Paswan Resident Of Ram Krishna Colony,  
Bazar Samiti, Behind Kali Mandir, Police Station- Bahadurpur, District-  
Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Prashant Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

5      22-06-2021                      Heard the parties in virtual Court proceeding.

The petitioner is languishing in custody for the offences punishable under Sections 21/20/22 of the N.D.P.S. Act in connection with Special Case No.170 of 2019, arising out of Pirbahore P.S. Case No. 612 of 2019.

9.8 Kg of Brown sugar was recovered, when the petitioner and two others were in the same vehicle. The driver of the vehicle disclosed that the Brown sugar was of Mr. Abhimanyu Singh @ Mannu, who is owner of the vehicle.

Learned counsel for the petitioner submits that no witness stated before the police that the recovered narcotic was of the petitioner. Petitioner had no knowledge about the Brown sugar in the vehicle. The petitioner is in custody since



18.11.2019. F.S.L. report reveals that the recovered substance was Heroin.

Considering the fact that the recovery was made in presence of the petitioner while travelling in the same vehicle, I do not find it a fit case for grant of bail. The claim of the petitioner regarding non-compliance of mandate of law under Sections 42 and 50 of the Act shall be considered at the appropriate stage of the trial. Hence, prayer for bail is refused. Trial Court is directed to proceed with the trial.

**(Birendra Kumar, J)**

Mkr./-

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