

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9582 of 2021

Arising Out of PS. Case No.-313 Year-2020 Thana- NAWANAGAR District- Buxar

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Madan Upadhyay S/O Jagdish Upadhyay R/O Vill. - Khairahi, P.S. -
Agiaonbazar, Dist. - Bhojpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in
Nawanagar Sonbarsa OP Police Station Case No. 313 of 2020
registered for the offence punishable under section 20 and other
allied sections of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

As per the prosecution case, 30 purias of Heroine like
drugs was 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. Alleged
recovery of heroine is less than commercial quantity and hence
rigours of section 37 of the Narcotic Drugs and Psychotropic
Substances Act would not be attracted against the
petitioner. Petitioner claims clean antecedent. He is in custody



since 7.9.2020.

Learned counsel appearing for the State opposes the prayer for bail.

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 is commenced, 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 disposal of the trial.

(Prabhat Kumar Singh, J)

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