

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6170 of 2022

Arising Out of PS. Case No.-374 Year-2021 Thana- MINAPUR District- Muzaffarpur

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1. Dharmendra Paswan Son Of Sitaram Paswan R/O Village- Minapur Pandey Tola, P.S.- Minapur, District- Muzaffarpur, State- Bihar
 2. Nitish Paswan Son Of Biran Paswan R/O Village- Minapur Pandey Tola, P.S.- Minapur, District- Muzaffarpur, State- Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha
For the Opposite Party/s : Mr.Kumar Schin
Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-05-2022 Heard both parties.

The petitioners seek bail in Minapur P.S. Case No. 374 of 2021 corresponding to NDPS Case No. 150 of 2021, registered for the offence punishable under Section 34 of the Indian Penal Code and Sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, 22 sachets of Smack was recovered from possession of petitioner no. 1 and 8 sachets of Smack has been recovered from possession of petitioner no. 2.

It is submitted on behalf of the petitioner that nothing has been recovered from conscious possession of petitioners.



The quantity of recovered Smack has not been disclosed in the FIR or in the seizure list. Chargesheet has already been submitted without FSL report. Mandatory provision of search and seizure has not been followed and petitioners are in custody since 14.10.2021 having clean antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that more than small quantity of narcotic substance has been recovered from possession of these petitioners.

Considering the quantity of recovered narcotic substance, I am not inclined to enlarge the petitioners above-named on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioners shall be released on bail by the learned trial court on its own satisfaction and on the condition that petitioners will cooperate in disposal of trial and appear before the court, as and when required.

With above observation, the petition stands disposed of.

(Prabhat Kumar Singh, J)

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