

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7855 of 2022

Arising Out of PS. Case No.-924 Year-2021 Thana- BANKA District- Banka

1. SUMIT KUMAR @ CHHOTU KUMAR MODI @ CHHOTU KUMAR SON OF SHAMBHU PRASAD MODI Resident of Village - Old Bus Stand Banka, P.s.- Banka, Distt.- Banka.
2. Dilip Kumar Pandit Son of Karu pandit Resident of Village - Old Bus Stand Banka, P.s.- Banka, Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-04-2022 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 21(a), (b), (c), 22(a)(b), (c) of the N.D.P.S. Act.

As per the prosecution case, 16.6 gram of Brown Sugar has been recovered from the possession of the petitioner No.1 and 3.4 gram of Brown Sugar has been recovered from the possession of petitioner No.2.

Learned counsel appearing for the petitioners submits that petitioner are innocent and have falsely been implicated in the case. No incriminating article has been recovered from the



conscious possession of the petitioners and they are 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 these petitioners. Petitioners are in custody since 24.11.2021 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 petitioners.

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

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

(Prabhat Kumar Singh, J)

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