

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8584 of 2022

Arising Out of PS. Case No.-472 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

PRASHANT KUMAR @PRASHANT KUMAR SINGH S/O LATE
SANTOSH KUMAR SINGH @ GUDDU SINGH RESIDENT OF
VILLAGE- MASARH, P.S. UDWANT NAGAR (GAJRAJGANJ)
DISTRICT- BHOJPUR)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioner and the
State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 20 and other allied sections of the Narcotic Drugs and Psychotropic Substances Act, 1985 and section 26 of the arms Act.

As per the prosecution case, 86 grams of Heroin has been 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 provisions with regard to search and seizure have not been followed. It is further submitted that less than commercial quantity of Heroin



has been recovered from the possession of the petitioner as such rigours of section 37 of the NDPS Act would not be attracted against the petitioner. Petitioner claims clean antecedent. He is in custody since 31.10.2021.

Learned counsel appearing for the State opposes the prayer for bail and submits that more than small quantity of Herion has been recovered from the possession of the petitioner.

Considering the rival submissions of the parties, materials available on the record and the quantity of recovery of narcotic substance, prayer for bail of the petitioner is refused.

However, the court in seisin of the matter shall release of the petitioner on bail to its own satisfaction as and when charge is framed in the case.

(Prabhat Kumar Singh, J)

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