

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9887 of 2022

Arising Out of PS. Case No.-202 Year-2020 Thana- DELHA District- Gaya

Rohit Kumar Son Of Chhote Yadav Resident Of Village - Gewalbigha, P.S.-
Rampur, Distt.- Gaya.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-04-2022 Heard learned counsel for the parties.

The petitioner seeks bail in N.D.P.S. Case No. 46 of 2020, arising out of Delha P.S. Case No. 202 of 2020, registered for the offence under Sections 21(b), 27, 29 of the NDPS Act.

Heard learned counsel for the petitioner and the State.

As per the prosecution case, 35 grams smack has been recovered from the possession of the petitioner and other accused persons.

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 as per seizure list only 5 grams of smack has been recovered from the petitioner which is less than small



quantity and as such rigours of section 37 of the NDPS Act would not be attracted against the petitioner. He is in custody since 12.9.2021. Charge sheet has already been submitted.

Learned counsel appearing for the State opposes the prayer for bail and submits that more than small quantity of smack 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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