

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11051 of 2022**

Arising Out of PS. Case No.-163 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

Manoj Kumar Son of Late Prahlad Kahar Resident of Village- Akhlaspur,
Ward No. 04, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 05-05-2022 Heard both parties.

The petitioner seeks bail in Bhabua P.S. Case No. 163 of 2021 corresponding to NDPS Case No. 9 of 2021, registered for the offence punishable under Sections 8/21(b)/27(A) of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, 6.370 Grams of Heroin has been recovered from possession of this petitioner.

It is submitted on behalf of the petitioner that nothing has been recovered from conscious possession of this petitioner. The recovered narcotic substance is less than commercial quantity, as such rigorous of Section 37 of the NDPS Act, would not be attracted. Mandatory provision of search and seizure has not been followed. Petitioner claims clean antecedent and he is in custody since 30.03.2021.



Learned APP however, vehemently opposed the prayer for bail.

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

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that petitioner 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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