

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11042 of 2022

Arising Out of PS. Case No.-640 Year-2021 Thana- AHYAPUR District- Muzaffarpur

ANKIT KUMAR S/o Shivjee Mahto R/o village- Sherpur, Near Shiv Mandir,
P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjana

For the Opposite Party/s : Mr.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-04-2022 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 115 of the IPC, u/s 25(1-AA)(I), 26, 35 of Arms Act and u/s 8/20 (b) (ii) (B) of the N.D.P.S. Act.

As per the prosecution case, 8 live cartridge, 17 gram of Smack and one Glamor motor cycle have been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioner and he is 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 this petitioner. Petitioner is in custody since 21.09.2021 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 Smack has been recovered from the possession of the petitioner.

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

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

(Prabhat Kumar Singh, J)

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