

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11966 of 2022

Arising Out of PS. Case No.-431 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

Subhash Kumar @ Shubham Upadhyay Son of Sri Krishna Upadhyay
Resident of Village - Rampur Bheriyahi, P.S.- Kathaiya, Distt.- Muzaffarpur,
A/P in front of Anuradha Market, Petrol Pump, P.S.- Sadar, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-05-2022 Heard both parties.

The petitioner seeks bail in Sadar P.S. Case No. 431
of 2021 corresponding to NDPS Case No. 77 of 2021, registered
for the offence punishable under Section 21(B) of the Narcotic
Drugs and Psychotropic Substances Act.

As per the prosecution case, 3.320 Grams. of Smack
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 small 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 and petitioner is in custody since 28.06.2021.
Investigation is complete.

Considering the period of custody and the fact that recovered narcotic substance is less than small quantity, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Muzaffarpur in connection with Sadar P.S. Case No. 431 of 2021 corresponding to NDPS Case No. 77 of 2021.

(Prabhat Kumar Singh, J)

vinita/-

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