

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26186 of 2021**

Arising Out of PS. Case No.-265 Year-2020 Thana- KANTI District- Muzaffarpur

MD. ALAM SON OF LATE ISHAK RESIDENT OF VILLAGE SADATPUR  
PAHARPUR, WARD NO. 9, P.S.- KANTI, DISTRICT-MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

4      11-01-2022                      Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 8, 20 and 22 of the NDPS Act, 1985.

As per the prosecution case, on the house of the petitioner being searched it is stated that 14 'puriyas' of smack, 500 gm of charas, Rs.10 lacs of Indian currency note, currency notes of Saudi Arabia and currency notes of Nepal were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No incriminating article has been recovered from his possession or his house. The alleged recovery of the drug is below the



commercial quantity. There has been violation of section 100(4) & (7) of the Cr.P.C. in the search and seizure. The FIR does not disclose the sampling of the contraband from each of the bundle as provided under sections 51 and 57 of the Act. No report of the Forensic Science Laboratory has been received yet. The petitioner is in custody since 12.5.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case and the recovery of smack, charas and foreign currencies of Saudi Arabia and Nepal etc. having been recovered as detailed in the FIR, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

**(Partha Sarthy, J)**

Spd/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

