

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31179 of 2021

Arising Out of PS. Case No.-691 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

Karan Sinha Son Of Bhola Prasad Sinha R/O - Katuwa, P.S.- Bandpura O.P.
Chandpura, District- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan- Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 31-01-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with Special
Case No.119 of 2019 arising out of Ramkrishnanagar P. S. Case
No.691 of 2019, instituted for the offences under Sections
8C/21C/25/29 of the N.D.P.S. Act, 1985.

The learned A.P.P. for the State submits that in terms
of order dated 23.12.2021, a counter-affidavit has been filed on
behalf of the Senior Superintendent of Police, Patna and the
same is on the record. It is further submitted that the Senior
Superintendent of Police, Patna has very fairly stated in the
counter-affidavit that the Investigating Officer was not much
aware of the law relating to N.D.P.S. Act and for which, he has
also been issued a show-cause, but the alleged recovered
substance has been testified by the F.S.L. as heroine. It is further



submitted that the recovery of the narcotics was of commercial quantity.

The learned A.P.P. further draws the attention of the Court towards Annexure-C of the counter-affidavit whereby a direction has been issued by the S.S.P., Patna to all the concerned Police Officers of the Police Stations to adhere to the provisions of Section 36A(4) of the N.D.P.S. Act.

The learned counsel for the petitioner submits that though the recovery is of commercial quantity, but the weight of the narcotics was taken along with carton in which it was kept and if the carton would not have been included while the taking weight of the narcotics, then perhaps the alleged recovery would not have been of commercial quantity.

Be that as it may, considering the fact that the recovery of the alleged narcotics is of commercial quantity, the Court is not inclined to enlarge the petitioner on bail.

Accordingly, prayer for bail of the petitioner stands rejected.

(Satyavrat Verma, J)

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