

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35246 of 2021

Arising Out of PS. Case No.-852 Year-2020 Thana- BIHTA District- Patna

Abhinash Kumar @ Avinash Kumar Singh Son of Anil Sharma Resident of
Village - Sohra, P.S.- Naubatpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-01-2022 Heard both parties through video conferencing.

The petitioner seeks bail in Bihta P.S. Case No. 852 of
2020, registered for the offence punishable under Sections 5(c),
21(c), 25 and 29 of the NDPS Act.

As per the prosecution case, 23 packets of Smack has
been recovered from possession of this petitioner.

It is submitted on behalf of the petitioner that weight
of the recovered Smack was not taken and the FSL report of the
alleged Smack has not been procured as yet. Informant is
private person who is none else than neighbour of petitioner and
due to rivalry he has been made accused in this case in collusion
with the police. Mandatory provision of search and seizure has
not been followed and petitioner is in custody since 28.11.2020.

Learned APP however, vehemently opposed the



prayer for bail and submitted that huge quantity of narcotic substance has been recovered from possession of this petitioner.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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