

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41543 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- CHARPOKHARI District- Bhojpur

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MRITYUNJAY SINGH @ SUDHANSHU Son of Awadhesh Singh Resident
of Village- Nahasi, P.S.- Agiaon, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 22-02-2022 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 8 and other allied sections of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 937 kilograms of Ganja has been recovered from the house of co-accused Amarendra Kumar Singh and co-accused Umashankar Singh and Noor Alam were arrested on the place of recovery who took the name of the petitioner as one who is also involved in said illegal business.

Learned counsel appearing for the petitioner submits that no contraband article has been recovered from the possession of the petitioner or from his house. Mandatory provision regarding search and seizure has not been followed. Petitioner has been made accused in this case on the confessional statement of co-accused which is not admissible in evidence. He is in custody since 8.3.2021.



Learned counsel appearing for the State opposes the prayer for bail and submits that substantial commercial quantity of narcotic item has been recovered and petitioner is involved in doing the illegal business.

Considering the rival submissions of the parties, materials available on the record and the quantity of recovery of narcotic substance and the embargo and conditions contained in section 37 of the NDPS Act, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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