

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43132 of 2021

Arising Out of PS. Case No.-212 Year-2021 Thana- PURNEA SADAR District- Purnia

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BISHU KUMAR SHARMA @ VISHU KUMAR SHARMA Son of Dilip
Sharma Resident of Gunda Chowk, Gulabbagh, P.S. - Purnea Sadar, District -
Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-02-2022 Heard Mr. Md. Fazle Karim, learned counsel for the

petitioner and learned A.P.P. for the State through virtual court

proceeding.

Petitioner seeks regular bail in connection with
Special Case No. 28 of 2021 arising out of Purnea Sadar P.S.
Case No. 212 of 2021 registered for the offence under Section 8
(c) / 21 (b) of the Narcotic Drugs and Psychotropic Substances
Act, 1985.

Three persons were intercepted by the Police and
upon search Brown Sugar / Heroin were recovered from the
possession of all the persons weighing total quantity of 33.7
grams and from the possession of the petitioner 11 grams of
Brown Sugar has been recovered.

Learned counsel for the petitioner submits that at the
time of search and seizure the procedures prescribed under
Section 50 of the N.D.P.S. Act have not been followed and the
petitioner has got no criminal antecedent. He further submits



that commercial quantity of Heroin is 250 grams and small quantity is 5 grams. The petitioner is in custody since 25 / 4 / 2021.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that psychotropic drugs / Heroin / Brown Sugar has been recovered from the possession of the petitioner and other accused persons in search made by the Police, quantity of *Smack* recovered is more than small quantity and less than commercial quantity, as such, I am not inclined to grant regular bail to the petitioner

Accordingly, the prayer for grant of regular bail is rejected.

However, the petitioner may renew his prayer for bail after five months from today if the trial does not show any progress.

(Anil Kumar Sinha, J)

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