

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43152 of 2021

Arising Out of PS. Case No.-244 Year-2020 Thana- DAGARUA District- Purnia

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SANISH KUMAR S/o Late Subodh Singh Resident of - Line Basti, Ward no.
-24, Newalal Chowk, P.S. - K.Hat , District - Purnia.

... .. Petitioner/s

Versus

1. Union of India New Delhi
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Sanjay Kumar Singh
For the Opposite Party/s :	Mr.K.N.Singh (A.D.S.G.)
	Mrs. Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-01-2022 Heard learned counsel for the petitioner, the Union of
India and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 8(c)/21(b)/25/29 of the
N.D.P.S. Act.

As per the prosecution case, 40 gram of Brown Sugar
has been recovered from the pocket of this petitioner.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. No incriminating article has been recovered from the
conscious possession of the petitioner and he is no way
concerned with the alleged recovery. It is submitted that
mandatory provision with regard to search and seizure has not



been followed and since the recovered quantity of narcotic substance is less than commercial quantity, rigours of Section 37 of the NDPS Act could not be attracted against this petitioner. Petitioner claims clean antecedent and is in custody since 28.12.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that more than small quantity of Brown Sugar has been recovered from the possession of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioner, shall be released on bail by the trial court to its own satisfaction on the condition that the petitioner will co-operate in the trial.

(Prabhat Kumar Singh, J)

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