

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45217 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- TARAPUR District- Munger

NITISH KUMAR Son of Bhim Ray Resident of Village - Kamrapar, P.S.-
Athmalgola, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-02-2022 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 20 and other ancillary sections of the NDPS Act.

As per the prosecution case, petitioner was the driver of a truck from which 200 kilograms of Ganja has been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Till date, there is no FSL report on the record confirming that the seized material was narcotic substance. The mandatory provision of law for search and seizure given under section 100 Cr.P.C. has not been followed. No incriminating material has been recovered from the conscious possession of the petitioner.



Petitioner has claimed clean antecedent and he is in custody since 2.9.2020.

Learned counsel appearing for the State opposes the prayer for bail. He submits that huge quantity of Ganja has been recovered from the truck of which petitioner was the driver.

Considering the nature of accusation and the quantum of recovery, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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