

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47394 of 2021**

Arising Out of PS. Case No.-12 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

Mithilesh Kumar S/O Sri Kameshwar Das R/o Mohalla- Postal Park, Budh
Nagar, Road No. 1, Kankarbagh, P.S.- Kankarbagh, District- Patna

... .. Petitioner/s

Versus

The Union of India through N.C.B. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Jha
For the Union of India	:	Ms. Shail Kumari
For the Opposite Party/s	:	Mr.K.N.Singh A.D.S.G.

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

4 21-01-2022 Heard both parties through video conferencing.

The petitioner seeks bail in

F.No.NCB/PZU/V/12/2021 corresponding to Special Case
(NDPS) No. 53 of 2021, registered for the offence punishable
under Section 8(c) read with Section 21(c)/25/29 of the NDPS
Act.

As per the prosecution case, 710 gms of Morphine,
one country made pistol, one country made Katta, four live
cartridge and other articles have been recovered from rented flat
of co-accused Sunny Kumar who was arrested along with two
other co-accused. Co-accused Sunny Kumar has taken name of
this petitioner as one of the partners in selling narcotic
substance.



It is submitted on behalf of the petitioner that no narcotic substance has been recovered from conscious possession of this petitioner. Alleged Morphine has been recovered from rented flat of Sunny Kumar. Mandatory provision of search and seizure has not been followed and petitioner is in custody since 08.06.2021.

Counsel for Union of India however, vehemently opposed the prayer for bail and submitted that recovered narcotic substance comes under the ambit of commercial quantity and apart from that arms and ammunition were also recovered.

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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