

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49289 of 2021**

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

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Rahul @ Samrat @ Rahul Samrat son of Shankar Ram @ Shankar Das
Resident of Mohalla - R.M.S. Colony, Kankarbagh, P.S. Kankarbagh, District
- Patna.

... .. Petitioner/s

Versus

The Union Of India Through N.C.B

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Y.C.Verma,Sr.Adv.

Mr.Sunil Kumar,Adv.

For the Opposite Party/s : Mr.Radhika Raman

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

3. 07-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Special Case (N.D.P.S.) No. 53 of 2021, arising out of F.No.NCB/PZU/V/12/2021, registered for the offence punishable under Section 8(c) read with Section 21(c)/25/29 of the N.D.P.S. 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, who was arrested on spot, has taken the name of this petitioner, as one of his



associates, in the smuggling of narcotic substance.

It is submitted on behalf of the petitioner that no narcotic substance has been recovered from the possession or premises of this petitioner. Alleged Morphine has been recovered from the rented flat of co-accused Sunny Kumar. Mandatory provision with regard to search and seizure has not been followed. Petitioner, having clean antecedent, is in custody since 08.06.2021.

However, learned counsel for the Union of India vehemently opposed the bail petition 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 nature of allegation and quantity of recovery of alleged articles, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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