

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59036 of 2021

Arising Out of PS. Case No.-129 Year-2020 Thana- PHULWARISHARIF District- Patna

GOVINDA KUMAR @ GOVIND KUMAR SON OF LATE BABAN
PASWAN Resident of Village - Nawada Fulwarisharif , P.s.- Fulwarisharif,
Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Satyendra Kumar Srivastava
For the Opposite Party/s : Mrs. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-02-2022 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 20/22 of the N.D.P.S. Act.

As per the prosecution case, six pudiya of Smack 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. It is further submitted that though it is alleged in the FIR that six Pudiya of Smack has been recovered from the possession of this petitioner but the same has not been weighed nor any seizure list has been prepared. Petitioner is in custody since 21.02.2020 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 Smack 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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