

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46833 of 2022

Arising Out of PS. Case No.-422 Year-2021 Thana- PATNA GRP CASE District- Patna

ANKIT KUMAR S/o Sunil Singh R/o- Soniyawan, P.S.- Ekangarsarai,
District- Nalanda Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

Considering the submission as made, learned counsel
for the petitioner is permitted to add necessary section in
paragraph No.1 of the present petition.

The petitioner seeks bail in connection with Patna
Junction P.S. Case No. 422 of 2021 registered for the offence
under Sections 379 and 411 of IPC and Sections 8(c)/21(b) of
the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.12.2021.

The allegation against the petitioner is to have in
possession of 7.510 gm narcotics/contraband i.e. smack.

Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of narcotics/contraband was not



made from conscious physical possession of the petitioner. It is also submitted that compliance of Section 42 and 50 of the NDPS Act was not made in the present case, which is otherwise a mandatory provision under law. It is also submitted that as recovered quantity is less than commercial quantity, therefore, restrictions as under Section 37 of the NDPS Act is not appears applicable, in the present case. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged recovery of narcotics/contraband is less than commercial quantity, where, compliance of Section 50 of the NDPS Act, appears doubtful, where, petitioner is in custody since 16.12.2021 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Patna Junction P.S. Case No. 422 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions



Judge-XVIII, Patna/concerned court, subject to the condition as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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