

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59380 of 2021**

Arising Out of PS. Case No.-173 Year-2021 Thana- GUTHANI District- Siwan

Gopal Singh Son of Late Jagarnath Singh Resident of Village- Yogiyadih,
Police Station- Guthani, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary
For the Opposite Party/s : Mr.Arun Kumar

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

2 08-02-2022 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State through video

conferencing.

Petitioner seeks bail in Guthani P. S.Case No. 173 of
2021 registered for the offences punishable under Sections 8,
21(a) of the Narcotic Drugs and Psychotropic Substances Act..

As per prosecution case, 7 grams heroin was
recovered from possession of the petitioner.

Learned counsel appearing for the petitioner submits
that no incriminating material has been recovered from
conscious possession of the petitioner. Mandatory provision
regarding search and seizure has not been followed. It is further
submitted that less than commercial quantity of heroin has been
recovered from possession of the petitioner as such rigours of



Section 37 of the NDPS Act would not be attracted against the petitioner. Petitioner is in jail custody since 25.07.2021

Learned APP of the State opposes the prayer for bail of the petitioner.

Considering the rival submission of the parties, materials available on the record and the quantity of recovery of Narcotic Substance, I am not inclined to grant privilege of bail to the petitioner. Hence, his prayer for bail stands rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that he will cooperate in disposal of trial and appear before the trial court, as and when required.

(Prabhat Kumar Singh, J)

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