

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59651 of 2021**

Arising Out of PS. Case No.-464 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

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Saurabh Kumar @ Mona Son Of Late Prahalad Kumar Singh Resident Of
Village - Fatehpur, P.S. - Ahiyapur, District - Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rana Vikram Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, Advocate

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

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

The petitioner prays for grant of regular bail in Ahiyapur Police Station Case No. 464 of 2021 registered for the offence punishable under section 8 and other allied sections of the Narcotic Drugs and Psychotropic Substances Act, 1985 and under sections 414/34 of the IPC.

As per the prosecution case, total 70 grams Smack was recovered from the possession of three accused persons, out of which 45 sachets were recovered from possession of this petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the 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 Smack has been recovered from the possession of the petitioner as such rigours of section 37 of the NDPS Act would not be attracted



against the petitioner. He is in custody since 17.7.2021.
Investigation 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 rival submissions of the parties, materials available on the record and the quantity of recovery of narcotic substance, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge cum Special Judge, Muzaffarpur in Ahiyapur Police Station Case No. 464 of 2021, **once the charge is framed in the case.**

(Prabhat Kumar Singh, J)

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