

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60021 of 2021**

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

Rahul Kumar Son of Mr. Uma Shankar Singh Resident of Village- Shakti
Dharam Kanta, Chak Mohabbat, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Md. Matloob Rab

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

2 10-02-2022 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State through video

conferencing.

Petitioner seeks bail in Ahiyapur P. S.Case No. 464 of
2021 registered for the offences punishable under Sections
414/34 of the Indian Penal Code and 1860& 8/20 (b) (ii) (B) of
the Narcotic Drugs and Psychotropic Substances Act 1985.

As per prosecution case, 140 Purias of smack
weighing 70 gm smack was recovered from three accused
persons out of which 37 Purias of smack was recovered from
possession of the petitioner.

Learned counsel appearing for the petitioner submits
that no incriminating material has been recovered from
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 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 17.07.2021

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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