

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64879 of 2021

Arising Out of PS. Case No.-401 Year-2020 Thana- MAHNAR District- Vaishali

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Avinash Srivastava @ Amit Son of Lalan Srivastava @ Lala Sinha Resident
of Village- Bidupur, Mayaram Pethiya, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 19-05-2022 Heard both parties.

The petitioner seeks bail in Mahnar P.S. Case No. 401 of 2020, registered for the offence punishable under Section 120(B) of the Indian Penal Code and sections 8/20(b)(ii) (c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, 20 Kilo and 100 Grams of Ganja and 7 packets of plastic bag were recovered from the dickey of Alto Car and this petitioner is one of the occupants of the said Car.

It is submitted on behalf of the petitioner that nothing has been recovered from conscious possession of this petitioner. Petitioner is neither driver nor owner of vehicle in question. He was simply a co-passenger and was not aware about the nature



of consignment which was being transported by the vehicle in question. Mandatory provision of search and seizure has not been followed and petitioner is in custody since 17.12.2020.

Learned APP however, vehemently opposed the prayer for bail and submitted that more than commercial quantity of Ganja has been recovered and petitioner has got 18 criminal antecedents.

Considering the quantity of alleged recovery and the criminal antecedents of the petitioner, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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