

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64729 of 2021**

Arising Out of PS. Case No.-155 Year-2021 Thana- GUTHANI District- Siwan

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OM PRAKASH SINGH Son of Rajendra Singh Resident of Village -
Yogiyadih, P.S.- Guthani, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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

3 03-03-2022 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail registered for the offence punishable under section 8 and other allied sections of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 325 grams of Heroin has been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that the weight of Heroin has been taken with polythene and in fact without polythene its weight will not exceed the commercial limit. Mandatory provision regarding search and seizure has not been followed. Petitioner claims clean antecedent. He is in custody since 11.7.2021.

Learned counsel appearing for the State opposes the



prayer for bail and submits that huge quantity of Heroin 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, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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