

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66053 of 2021**

Arising Out of PS. Case No.-394 Year-2021 Thana- PHULWARISHARIF District- Patna

Rakesh Kumar S/o Late Kishor Paswan R/o Mohalla- Dakshni Sangat, P.S.-
Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Binod Kumar

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

2 25-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Special Case No. 44 of 2021, arising out of Phulwari Sharif P.S. Case No. 394 of 2021, registered for the offence under Sections 20 / 22 of the N.D.P.S. Act.

As per prosecution case, petitioner was found in possession of 8 (eight) *puriya* of Smack.

It is submitted on behalf of petitioner that the alleged recovered narcotic substance is less than commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted. Mandatory provision with regard to search and seizure has not been followed. Petitioner claims clean antecedent and he is in custody since 02.05.2021.



However, learned A.P.P. for the State has opposed the bail petition and submitted that more than small quantity of Smack has been recovered from the possession of petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court 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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