

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67203 of 2021

Arising Out of PS. Case No.-365 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

RAHUL KUMAR SAH Son of Bhola Sah Resident of village - Sandha
Mathiya, P.S.- Chapra Muffasil, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sections 25(1-B)a, 26 and 35 of the Arms Act.

As per the prosecution case, 32 grams and 50 mg Smack has been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner as the said house is his joint family house. Mandatory provision regarding search and seizure has not been followed. It is further submitted that less than commercial quantity of Charas 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. Petitioner claims clean antecedent. He is in custody since 8.8.2021.

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 Additional Sessions Judge I cum Special Judge, N.D.P.S.Act, Saran at Chapra in NDPS Case No.25/2021/ Chapra Muffasil Police Station Case No. 365 of 2021, **once the charge is framed in the case.**

(Prabhat Kumar Singh, J)

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