

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72424 of 2021**

Arising Out of PS. Case No.-472 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

SURENDRA YADAV @ SURENDRA SINGH SON OF SHIV PUJAN
YADAV R/O VILLAGE- PANCHGAVA, P.S.- SONHAN, DISTRICT-
KAIMUR (BHABUA)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil

For the Opposite Party/s : Mr.Arun Kumar Singh

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

2 10-03-2022 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 8, 20(b) (ii) (B), 29, 27(A) of the N.D.P.S. Act.

As per the prosecution case, 4.5 kg of Ganja has been recovered from the house of this petitioner.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery rather recovery is made from the house which is in joint possession of family. It is submitted that mandatory provision with regard to search and



seizure has not been followed and since the recovered quantity of narcotic substance is less than commercial quantity, rigours of Section 37 of the NDPS Act could not be attracted against this petitioner. It is further submitted that charge has already been framed in this case on 20.12.2021 Petitioner is in custody since 18.09.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that more than small quantity of Heroin has been recovered from the possession of the petitioner.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge-cum-Special Judge, Kaimur, Bhabua in connection with Bhabua PS case No.472/2021.

(Prabhat Kumar Singh, J)

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