

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14054 of 2023

Arising Out of PS. Case No.-195 Year-2022 Thana- BRAHMPURA District- Muzaffarpur

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Md. Jamir Son Of Late Md. Salim R/O Mohalla- Imli Chatti, Near Manipur
Bridge, P.S.- Brahmpura, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan

For the Opposite Party/s : Mr.Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 16-10-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 8(c), 20, 21(c) of the N.D.P.S. Act.

There is recovery of 350.15 grams of Smack

from the possession of the petitioner.

It is submitted by learned counsel for the

petitioner that petitioner is innocent and he has falsely

been implicated in this case. It is further submitted that



seizure and search is in complete violation of Section 100 of the Cr.P.C and the seizure list witnesses are police constables who are bound to support the informant. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 02.10.2022.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that recovery has been made from the conscious possession of the petitioner and the recovered narcotic substance comes within the purview of commercial quantity.

Considering the quantity of recovery of smack from the possession of the petitioner, this Court is not inclined to grant bail to the petitioner for the present. The prayer for grant of bail to the petitioner stands rejected.

The trial Court is directed to expedite the trial and conclude the same at the earliest, preferably within



a period of one year.

The petitioner will be at liberty to renew his prayer for bail, if the trial is not concluded within one year.

(Sunil Kumar Panwar, J)

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