

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41392 of 2022**

Arising Out of PS. Case No.-24 Year-2022 Thana- IMAMGANJ District- Gaya

Deepak Kumar S/O Ganauri Yadav R/O Village- Tanku Jori, P.S.- Jori,
District- Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Sr. Adv

For the Opposite Party/s : Mr. Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

7 03-07-2023 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 8/17(C)/18(C) of the N.D.P.S. Act.

There is recovery of 5.222 Kgs of opium in
liquid form from the dickey of the motorcycle 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. The petitioner was arrested
by the police on mere suspicion and falsely recovery was



shown to create present false case after taking signature on plain paper. 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. The petitioner is languishing in custody since 02.03.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

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 5.222 Kgs of opium in liquid form was recovered from the possession of the petitioner which is within the commercial quantity under NDPS Act.

Considering the quantity of recovery of opium 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.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

