

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69067 of 2022

Arising Out of PS. Case No.-496 Year-2022 Thana- PATLIPUTRA District- Patna

VISHAL KUMAR Son of Ashok Rai Resident of Village - Nakta Diyara,
P.S.- Digha, Town and District - Patna and presently residing at Digha Polsan
Road, P.S.- Digha, Town and District - Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramhansh Kumar Puri

For the Opposite Party/s : Mr.Md. Ataur Rahman

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 14-03-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Patliputra P.S. Case No. 496 of 2022, registered
for the offences punishable under Sections 8 (c), 22 (b) NDPS
Act.

As per allegation, police apprehended the petitioner
and 63 grams of article like brown sugar was recovered from his
possession to which he disclosed that it was brown sugar. His
associate Arun Kumar Yadav was also apprehended after a little
chase but he had thrown the polythene containing brown sugar
in a drain. Both the apprehended accused persons disclosed that
it was co-accused Ram Laxman Rai who used to supply brown



sugar to them.

Learned counsel for the petitioner has submitted that the petitioner is innocent. The petitioner before his arrest was not given option to be searched before the gazetted officer or the Magistrate, as such, Section 50 of the NDPS Act was not complied. He also submits that the quantity is less than the commercial quantity.

The petitioner has been arrested at the spot. Brown sugar was recovered from his possession. He has a criminal antecedent under Section 30 (a)/56 (b) of Bihar Prohibition and Excise Act. As such, the petitioner does not deserve the privilege for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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