

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72598 of 2022

Arising Out of PS. Case No.-183 Year-2020 Thana- ADAPUR District- East Champaran

SHYAM KUMAR S/o Late Badri Nath Patel @ Badri Patel R/o Village-
Raxul, P.S.- Raxaul, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 19-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 8(C), 21(c) of NDPS
Act.

As per allegation in the FIR, on getting secret information
police party proceeded towards place of occurrence, and
apprehended the petitioner. On search, 268 grams of Morphine
was recovered from his possession.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this Case. No local
person was made as a witness of the seizure list rather seizure
list witnesses are police personnel. There is complete violation



of provision of Section 50 of the NDPS Act. Petitioner has got no criminal antecedent and languishing in judicial custody since 15.06.2020.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that the alleged recovery of 268 gram of morphin is above the commercial quantity.

Having heard learned counsel for the parties and taking into consideration that the alleged recovery is above the commercial quantity, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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