

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80272 of 2023

Arising Out of PS. Case No.-610 Year-2023 Thana- CHAPRA TOWN District- Saran

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Dhiraj Kumar S/O Birendra Sah @ Virendra Sah R/O Village- Chand Choak,
P.S- Bheldi, Distt.- Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhijeet Abhigyan, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 23-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner is in custody in a case registered for the
offence punishable under Sections 8/20(b)(ii)(A) of the NDPS
Act later converted into 22(b) of the NDPS Act.

3. As per allegation in the FIR, it is alleged that the
petitioner was found with alprazolam weighing 26 grams in 201
orange colour tablets near Court Hajat.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next
submits that the seizure of alprazolam and the sample was not
taken in front of the Magistrate, violating the provision of
Section 52(A) of the NDPS Act, petitioner has got clean
antecedent and he is in custody since 28.07.2023.

5. Learned APP for the State opposes the prayer for



bail of the petitioner. The FSL report was not received but the learned APP has provided a copy of statement of the fact of the Superintendent of Police along with FSL report to this Court.

6. On perusal of the first information report and impugned order dated 21.08.2023, it appears that alprazolam tables is scheduled drug in entry 178 of the NDPS Act. The petitioner was apprehended with 26 grams of said substance, small quantity of the said substances five grams and the commercial quantity is 100 grams. The petitioner was apprehended with intermediary quantity which is more than small quantity and less than commercial quantity.

7. Considering the above facts and circumstances and the said quantity recovered from the conscious possession of the petitioner, I am not inclined to grant bail to the petitioner.

8. Prayer for bail of the petitioner is hereby rejected.

9. However, the learned trial Court is directed to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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