

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12445 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Surendra Singh, Son of Late Sheo Nandan Singh, Resident of Village –
Keshopur, P.S. – Hilsa, District – Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shashank Shekhar, Advocate.

For the Opposite Party : Mr. Bhanu Pratap Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2016 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 8/20(A)(i)/29 of the N.D.P.S. Act.

The prosecution case is that from the premises of the petitioner two big and two small cannabis plants were seized.

It is submitted by the learned counsel for the petitioner that stray grown cannabis plants cannot be treated within the ambit of cultivation hence no case is made out under Section 20A of the N.D.P.S. Act. Statement has been made in paragraph-3 of the petition that the petitioner has got no criminal antecedent.

Prima facie four stray cannabis plants found in the backyard of the cattle shed of the petitioner cannot be treated to be cultivated ones. The aforesaid facts constitute ground for consideration

of prayer for regular bail let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with Hilsa P.S. Case No. 15 of 2016, pending in the court of the learned Special Judge, NDPS Act, Nalanda.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J.)

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