

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12211 of 2021**

Arising Out of PS. Case No.-231 Year-2020 Thana- JOGBANI District- Araria

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KAILASH KUMAR SAH aged about 19 years Son of Deepchand Sah
Resident of village - Bishanpur, Ward No. -06, P.S. - Jogbani, Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dinesh singh, Addl Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 28-06-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Sections 21,22,23 of the NDPS Act.

As per the prosecution case, 8 kilograms Ganja has
been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits
that no incriminating material has been recovered from his
conscious possession. More so, alleged narcotic substance was
less than the small quantity. Mandatory provision regarding
search and seizure has not been followed. Rigours of section 37
of the NDPS Act would not be attracted against the petitioner
who is in custody since 6.10.2020. Petitioner has got no
criminal antecedent as stated in paragraph 3 of the bail petition.

Considering the rival submissions of the parties



coupled with the fact that the alleged recovery is less than the small quantity and no allegation of tampering with the evidence against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge cum Special Judge, Araria in Jogbani Police Station Case No. 231 of 2020/Special Case No. 13 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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