

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15396 of 2021**

Arising Out of PS. Case No.-753 Year-2020 Thana- AHYAPUR District- Muzaffarpur

LALIT SAHANI S/o- Rambali Sahani R/o- Village- Barhad, PL.S. - Hathauri,
District - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.A.G.

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

2 23-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 20 and other allied sections of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sections 25/26/35 of the Arms Act..

As per the prosecution case, 1.25 kilograms of Ganja, two live cartridges and two mobile phones were recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. More so, alleged narcotic substance was less than the commercial 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. Petitioner claims clean antecedent. He is in custody since 13.9.2020. Investigation is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the quantity of recovery of narcotic substance, I am not inclined to grant bail to the petitioner. Petition for bail of the petitioner is rejected.

However, once the charge is framed and trial is commenced, the petitioner shall be released on bail by the trial court to his own satisfaction on the condition that the petitioner will co-operate in disposal of the trial.

(Prabhat Kumar Singh, J)

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