

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15341 of 2021**

Arising Out of PS. Case No.-253 Year-2020 Thana- VAISHALI District- Vaishali

Rakesh Kumar Aged About 32 Years Son Of Ravindra Mahto R/O Village-
Ghataro Chaturbhuj, P.S.- Kartahan, District- Vaishali ... Petitioner
Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : S. Begum, Addl Public Prosecutor

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

3 01-09-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in Vaishali Police Station Case No. 253 of 2020 registered for the offence punishable under sections 20, 22 and other allied sections of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 517 grams of Charas has been 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. Recovery of Charas is less than commercial quantity and as such rigours of section 37 of the Narcotic Drugs and Psychotropic Substances Act would not be attracted against this petitioner. Mandatory provision regarding search and seizure has not been followed. He is in custody since 7.8.2020 and Charge sheet has already been



submitted.

Learned counsel appearing for the State opposes the prayer for bail and submits that huge quantity of Charas has been recovered from the possession of the petitioner and he has criminal antecedent.

Considering the rival submissions of the parties and materials available on the record, 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 commences, the petitioner shall be released on bail by the trial court to its own satisfaction on the condition that the petitioner will co-operate in disposal of the trial.

(Prabhat Kumar Singh, J)

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