

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19296 of 2021**

Arising Out of PS. Case No.-460 Year-2020 Thana- MINAPUR District- Muzaffarpur

RAM ISHWAR RAY Son of Mahesh Ray Resident of Village - Roghopur
Mahdeiya, P.S.- Minapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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

4 03-12-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 272, 273, 120B/34 of the IPC, u/s 8(c), 20, 21, 22 of the N.D.P.S. Act and under Section 30 (a), 37(b) of the Bihar Prohibition & Excise Act..

As per the prosecution case, 510 liters of spirit and 10.30 Kg of Ganja has been recovered from the house of this petitioner.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery rather recovery is made from house which is in joint possession of family. It is



submitted that mandatory provision with regard to search and seizure has not been followed and since the recovered quantity of narcotic substance is less than commercial quantity, rigours of Section 37 of the NDPS Act could not be attracted against this petitioner. Petitioner claims clean antecedent and is in custody since 05.12.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that more than small quantity of Ganja has been recovered from the possession of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

However, once 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 the trial.

(Prabhat Kumar Singh, J)

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