

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22078 of 2021

Arising Out of PS. Case No.-627 Year-2020 Thana- MASAUDHI District- Patna

GUDDU PASWAN Son of Ram Nath Paswan Resident of Village -
Dudhichak, P.S.- Masaurhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-07-2021 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Masaurhi P.S. Case No.
627 of 2020 (Special Case No. 149 of 2020), registered for the
offence punishable under Sections 20/22 of the Narcotic Drugs
and Psychotropic Substances Act, 1985.

As per the prosecution case, 05 Kg of Ganja has been
recovered from the courtyard of the house of petitioner.

It is submitted on behalf of the petitioner that nothing
has been recovered from conscious possession of the petitioner.
Mandatory provision of search and seizure has not been
followed. The recovered Ganja is less than commercial quantity,



as such rigorous of Section 37 of the NDPS Act, would not be attracted. Petitioner claims clean antecedent and he is in custody since 09.01.2021.

Learned APP however, vehemently opposed the prayer for bail and submitted that huge quantity of Ganja has been recovered from the house of petitioner.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail.

However, once charge has been framed and trial is commenced, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that petitioner will cooperate in disposal of trial and appear before the court, as and when required.

(Prabhat Kumar Singh, J)

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