

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24709 of 2021

Arising Out of PS. Case No.-817 Year-2020 Thana- BETTIAH CITY District- West
Champaran

=====

HAROON MIANaged about 60 years Son of Late Habib Mian Resident of
Village- New Bus Stand, Bettiah, P.S.- Bettiah Town, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-07-2021 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.

As per the prosecution case, 1.25 kilograms of Ganja
was recovered from the house of the petitioner.

Learned counsel appearing for the petitioner submits
that no incriminating material has been recovered from the
conscious possession of the petitioner as the house in question
does not belong to him. 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 24.12.2020.

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)

Shashi

U		T	
---	--	---	--

