

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24721 of 2021**

Arising Out of PS. Case No.-420 Year-2020 Thana- NAUTAN District- West Champaran

Saroj Yadav Son of Khedu Prasad Yadav R/O Village and P.S.- Ektanga,
District- Kalaiya, Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Pramod Kr.Pandey

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

2 20-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Trial No. 01/2021 (C.I.S. - 85/2020), arising out of Nautan (Jagdishpur) P.S. Case No. 420 of 2020, registered for the offence under Section 414 of the I.P.C. and Sections 20B/22/23 of the N.D.P.S. Act.

3.4 Kg. of *Ganja* has been recovered from the motorcycle of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from conscious possession of the petitioner. The alleged recovered *Ganja* is less than commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted in this case. Mandatory provision with regard to search and seizure has not been followed. Petitioner has got clean



antecedent and is in custody since 26.10.2020.

However, learned A.P.P. for the State has opposed the bail petition.

Considering the rival submission of the parties and the fact that there is recovery of *Ganja* from the possession of the petitioner, I am not inclined to grant bail to the petitioner.

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 he will cooperate in disposal of trial and appear before the trial court, as and when required.

With above observation, the bail petition stands disposed of.

(Prabhat Kumar Singh, J.)

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