

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26087 of 2021**

Arising Out of PS. Case No.-16 Year-2020 Thana- DESARI District- Vaishali

Kundan Kumar aged about 25 years (Male) Son of Parmanand Ram R/O
Village- Dhamaun, Dakshini, P.S.- Patory, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh

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

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

3. 06-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Desari (Chandpura O.P.) P.S. Case No. 16 of 2020, registered for the offence under Section 399/402 of the I.P.C., Sections 8/20 b(ii) (B)/22/29 of the N.D.P.S. Act and Sections 25(1-b)a/26/35 of the Arms Act.

As per prosecution case, 5 kg. & 450 gm. of *Ganja* has been recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the possession of the petitioner. Mandatory provision with regard to search and seizure has not been followed. 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. There is no allegation of tampering with



the evidence against this petitioner. Petitioner has got clean antecedent and he is in custody since 19.01.2020. Chargesheet has been submitted.

However, learned A.P.P. for the State has opposed the bail petition and submitted that in this case, huge quantity of *Ganja* has been recovered.

Considering the rival submissions of the parties and the recovery of alleged *Ganja*, I am not inclined to grant bail to the petitioner.

However, once charge is framed and trial commences, 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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