

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26438 of 2021

Arising Out of PS. Case No.-20 Year-2020 Thana- NARHATT District- Nawada

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RAMNANDAN SINGH @ RAMAN PRASAD Son of Ramawtar Prasad
Resident of Village - Gowasa, P.S.- Narhat, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in Narhat Police Station Case No. 20 of 2020 registered for the offence punishable under sections 8(b)(c)/20(a)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, three plants of Ganja weighing about 12 kilograms was recovered from behind 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 recovery has been made from behind the house of the petitioner. Mandatory provision regarding search and seizure has not been followed. Alleged recovery of Ganja is less than commercial quantity and



hence rigours of section 37 of the Narcotic Drugs and Psychotropic Substances Act would not be attracted against the petitioner. Petitioner claims clean antecedent. He is in custody since 1.2.2021.

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)

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