

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26343 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- BALIYA District- Begusarai

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KISHORE KUMAR @ KISHORE YADAV S/o Late Sukkan Yadav Resident
of Village - Naya Tola- P.S. - Ballia, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mrs. Pushpa Sinha 2, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Ballia P.S. Case No. 24 of

2021 corresponding to NDPS Case No. 02 of 2021, registered

for the offence punishable under Sections 20/22 of the NDPS

Act.

As per the prosecution case, 2 Kg and 300 gms. of

Ganja has been recovered from Gumti of this petitioner.

It is submitted on behalf of the petitioner that nothing

has been recovered from conscious possession of this petitioner

and the Gumti does not belong to this petitioner. The recovered

Ganja is less than commercial quantity, as such rigorous of



Section 37 of the NDPS Act, would not be attracted. Mandatory provision of search and seizure has not been followed and petitioner is in custody since 23.01.2021.

Learned APP however, vehemently opposed the prayer for bail and submitted that huge quantity of Ganja has been recovered from Gumti of this 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 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 petitioner will cooperate in disposal of trial and appear before the court, as and when required.

(Prabhat Kumar Singh, J)

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