

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26462 of 2021**

Arising Out of PS. Case No.-290 Year-2020 Thana- KARJA District- Muzaffarpur

Vipin Sahani S/O Bhuneshwar Sahni R/O Village Makdumpur, Kodariya P.S.
Karja, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Nitu Kumari

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

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

2 30-07-2021 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 Karja P.S. Case No. 290 of
2020, registered for the offence punishable under Sections 414,
34 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of
the Arms Act and sections 20/22 of the NDPS Act.

As per the prosecution case, 300 gms. of Charas has
been recovered from possession of this petitioner.

It is submitted on behalf of the petitioner that nothing
has been recovered from conscious possession of this petitioner.
The recovered Charas 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 27.09.2020. There is no allegation of tampering with the evidence against the petitioner.

Counsel for the State however vehemently opposed the prayer for bail.

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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