

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29191 of 2021

Arising Out of PS. Case No.-23 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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RAMBABU SAHANI @ BRAHMDEO RAUT KURMI Son of Late
Ramchandra Sahni @ Ramagya Raut Resident of Village- Madhubani
(Dhore), P.S.- Pakhariya, District- Parsa (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mrs. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-11-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 8, 20 (b) (ii) (c), 23 and 29
of the N.D.P.S. Act.

As per the prosecution case, 14.9 Kg of Ganja has
been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. No incriminating article has been recovered from the
conscious possession of the petitioner and he is no way
concerned with the alleged recovery. It is submitted that
mandatory provision with regard to search and seizure has not
been followed and since the recovered quantity of narcotic



substance is less than commercial quantity, rigours of Section 37 of the NDPS Act could not be attracted against this petitioner. It is also submitted that charge has already framed in this case. Petitioner claims clean antecedent and is in custody since 03.12.2019 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that more than small quantity of Ganja has been recovered from the possession of the petitioner.

Considering the facts of the case and the period of custody of the petitioner and the fact that charge has already framed in this case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-III, East Champaran, Motihari in connection with NDPS case No. 82/2019, arising out of NCB case No. NCB/PZU/V/23/2019.

(Prabhat Kumar Singh, J)

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