

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30350 of 2021**

Arising Out of PS. Case No.-283 Year-2020 Thana- PALIGANJ District- Patna

SATENDRA KUMAR aged about 35 years Son of Khirodhar Yadav @
Khiroddhar Yadav Resident of Village- Fatehpur Purvi (Makhmilpur), P.S.-
Paliganj, District- Patna ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Mishra, Advocate

For the Opposite Party/s : Mr.A.G.

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

2 21-08-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 8/20b(ii)A of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 200 grams of Ganja was recovered from the Gumti of the petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. More so, alleged narcotic substance was less than the small quantity. Mandatory provision regarding search and seizure has not been followed as such rigours of section 37 of the NDPS Act would not be attracted against the petitioner who is in custody since 1.9.2020. Petitioner claims clean antecedent. Charge sheet has already been submitted.

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 fact that the alleged recovery is less than the small quantity, 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 the Additional Sessions Judge IV, Patna in Special Case No. 129 of 2020/Paliganj Police Station Case No. 283 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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