

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28859 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- KHAJANCHI HAT District- Purnia

RAJIV RANJAN @ RAJEEV RANJAN Son of Nitya Nand Choudhary
Resident of Village- Near Congress office, Gokul Krishna Ashram Road, P.S.
- K. Hat, District - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Preety Kunwar

For the Opposite Party/s : Mr.Nitya Nand Tiwary,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Khajanchi Hat (Sahayak)
P.S. Case No. 108 of 2021, registered for the offence punishable
under Sections 8, 21, 22(b) of the Narcotic Drugs and
Psychotropic Substances Act.

As per the prosecution case, 12.34 gms of Brown
Sugar (Smack) 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 Smack 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 03.02.2021 having clean antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that huge quantity of Smack has been recovered from possession of this petitioner.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

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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