

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30165 of 2021**

Arising Out of PS. Case No.-58 Year-2021 Thana- NOORSARAI District- Nalanda

Shiv Kumar Prasad Son of Late Jamuna Prasad Resident of Village -
Mahadeo Bigha, P.S.- Noor Sarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar No.1

For the Opposite Party/s : Mr.Amit Kumar Rakesh

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

2. 12-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Noor Sarai P.S. Case No. 58 of 2021, registered for the offence under Section 20 / 22 of the N.D.P.S. Act.

As per the prosecution case, 1.5 kg. of Ganja has been recovered from the house of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. The alleged recovery has been made from the house, which is in joint possession of the family and the recovered Ganja is less than commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted. Petitioner has got clean antecedent and he is in custody since 10.02.2021. Chargesheet



has been submitted.

However, learned A.P.P. for the State has opposed the bail petition and submitted that there is recovery of 1.5 kg of Ganja from the house of the petitioner.

Considering the rival submissions of the parties and materials available on record, I am not inclined to grant bail to the petitioner. 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 he will cooperate in disposal of trial and appear before the court, as and when required.

With above observation, the bail petition stands disposed of.

(Prabhat Kumar Singh, J.)

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