

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.31851 of 2021**

Arising Out of PS. Case No.-439 Year-2020 Thana- MINAPUR District- Muzaffarpur

DHARMNATH SAHANI Son of Bindeshwar Sahni Resident of Village-  
Madhuban, Kanti, P.S.- Minapur, District- Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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

2      27-08-2021                      Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 25(1-b), 26 of Arms Act and u/s 8, 20, 22 of N.D.P.S. Act.

As per the prosecution case, one country made loaded pistol and 10 packets of smack were 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. The mandatory provision of search and seizure has not been followed and recovery of narcotic substance is below commercial quantity and, as such,



rigours of Section 37 of N.D.P.S. Act is not attracted. Petitioner is in custody since 14.11.2020.

Learned counsel appearing for the State opposes the prayer for bail and submits that huge quantity of smack has been recovered from the possession of the petitioner.

Considering the facts of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioner, shall be released on bail by the trial court to its own satisfaction on the condition that the petitioner will co-operate in the trial.

**(Prabhat Kumar Singh, J)**

BKS/-

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