

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.33326 of 2021**

Arising Out of PS. Case No.-32 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Navneet Kumar @ Nishu Kumar Son Of Shri Sanjay Sharma @ Sanjay Kumar Sharma Resident Of New Police Line Baikunthpuri, P.S.- Ahiyapur, District - Muzaffarpur (Bihar).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : M.Lata, Addl Public Prosecutor

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

2      02-09-2021      Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in Ahiyapur Police Station Case No. 32 of 2021 registered for the offence punishable under sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 400 grams of Ganja and six purias of smack have been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. Mandatory provision regarding search and seizure has not been followed. Moreover, less than small quantity of Ganja has been recovered from the



possession of the petitioner, whereas smack alleged to have been recovered from the possession of the petitioner has not been weighed. Petitioner claims clean antecedent. He is in custody since 17.1.2021. Charge sheet has already been submitted.

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

Considering the rival submissions of the parties and materials available on the record, I am not inclined to grant bail to the petitioner. Petition for bail of the petitioner is rejected.

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

**(Prabhat Kumar Singh, J)**

Shashi

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