

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34931 of 2021

Arising Out of PS. Case No.-560 Year-2020 Thana- PAROO District- Muzaffarpur

Ajeet Kumar Son of Ram Naresh Rai Resident of Village - Manua, P.S.- Sadar
Hajipur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 07-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Paroo P.S. Case No. 560 of 2020, registered for the offence under Sections 20 / 22 of the N.D.P.S. Act.

As per prosecution case, 425 gm. of *Charas* has been recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that no incriminating article has been recovered from the possession of the petitioner. The alleged recovered *Charas* is less than the commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted against this petitioner. Mandatory provision with regard to search and seizure has not been followed. Petitioner is in custody since 10.10.2020. Investigation is complete.



However, learned A.P.P. for the State has opposed the bail petition and submitted that in this case, huge quantity of *Charas* has been recovered from the possession of the petitioner.

Considering the nature of allegation and recovery of alleged *Charas*, I am not inclined to grant bail to the petitioner and same is, accordingly, 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 he will cooperate in disposal of trial and appear before the trial court, as and when required.

(Prabhat Kumar Singh, J.)

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