

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43734 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- KATIHAR GRP CASE District- Katihar

Md. Jakir @ Jakir Son of Late Noor Mohammad Resident of Village-
Hajinagar Salmari, P.S.- Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India. India.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah
For the Opposite Party/s : Mr.Ratnesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 01-11-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Special N.D.P.S. Case No. 4 of 2021, arising out of Barsoi Rail P.S. Case No. 7 of 2021, G.R.No. 60 of 2021, registered for the offence under Sections 20 / 22 of the N.D.P.S. Act.

As per prosecution case, 2 kg. & 700 gm. of *Ganja* has been recovered from the bag of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered either from the conscious possession or from the house of the petitioner. Mandatory provision with regard to search and seizure has not been followed. The alleged 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



in this case. Petitioner has got clean antecedent and he is in custody since 10.06.2021.

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

Considering the rival submissions of the parties and the recovery of alleged *Ganja*, I am not inclined to grant bail to the petitioner and accordingly, it stands dismissed.

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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