

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40734 of 2021**

Arising Out of PS. Case No.-305 Year-2021 Thana- ARA NAGAR District- Bhojpur

RAJ KISHORE PRASAD YADAV @ RAJ KISHORE YADAV S/O LATE
RAM CHANDRA PRASAD R/O VILLAGE-DHARHARA, P.S-ARA
TOWN, DISTRICT-BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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

2 08-10-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 18, 20, 21(i) of the NDPS
Act.

As per the prosecution case, 1.400 kg Ganja has been
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. It is submitted that
mandatory provision of search and seizure has not been
followed and since the recovery of Ganja is less than



commercial quantity the rigours of Section 37 of NDPS Act could not be attracted. Petitioner is in custody since 21.04.2021.

Learned counsel appearing for the State opposes the prayer for bail and submits that petitioner has got criminal antecedent.

Considering the facts of the case and the nature of accusation against this petitioner, 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)

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