

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40559 of 2021**

Arising Out of PS. Case No.-156 Year-2021 Thana- SURSAND District- Sitamarhi

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Ram Nandan Bhagat S/o Late Maniyar Bhagat Resident of Village- Fatehpur
Khudgas, Ward No. 14, P.S.- Raghapur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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

2 16-12-2021 Heard both parties.

The petitioner seeks bail in Sursand P.S. Case No. 156
of 2021, registered for the offence punishable under Sections
8/20(b)(ii)(c)/22(B) of the NDPS Act.

As per the prosecution case, 13 KG of Ganja has been
recovered from bag of this petitioner.

It is submitted on behalf of the petitioner that nothing
has been recovered from conscious possession of this petitioner.
The recovered Ganja is less than commercial quantity, as such
rigorous of Section 37 of the NDPS Act, would not be attracted.
Mandatory provision of search and seizure has not been
followed and petitioner is in custody since 06.04.2021.

Learned APP however, vehemently opposed the
prayer for bail.



Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is 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 petitioner will cooperate in disposal of trial and appear before the court, as and when required.

(Prabhat Kumar Singh, J)

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