

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43478 of 2021**

Arising Out of PS. Case No.-67 Year-2021 Thana- MANJHAGARH District- Gopalganj

ANISH ALI Son of Sainullah Sah @ Sainullah Resident of Village - Sikmi,  
P.S.- Manjhagarh, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mohammad Sufyan

For the Opposite Party/s : Mr.Shailendra Kumar Singh

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

2      01-11-2021      Heard learned counsel for the petitioner and the  
State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 399, 402, 414 of the Indian Penal Code, u/s 25(1-b)a, 26(i), 35 of Arms Act and u/s 8, 20(b)(ii)(b), 29 of NDPS Act.

As per the prosecution case, 252 gram of Charas like narcotic and psychotropic substance has been recovered from the possession of this petitioner.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case at the instance of his enemies. It is submitted that mandatory provision with regard to search and seizure has not been followed and since the recovered quantity of narcotic



substance is less than commercial quantity, rigours of Section 37 of the NDPS Act could not be attracted against this petitioner. Petitioner claims clean antecedent and is in custody since 26.02.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that huge quantity of narcotic substance has been recovered from the possession of petitioner.

Considering the nature of accusation and gravity of the offence, 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)**

BKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

