

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44690 of 2021**

Arising Out of PS. Case No.-22 Year-2021 Thana- SAHODARA District- West Champaran

Ganeshwar Das S/O Ramdev Das R/O Village-Purainiya, P.S- Manpur,
District-West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Abhay Kumar

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

2 03-11-2021 Heard both parties.

The petitioner seeks bail in Sahodara P.S. Case No. 22 of 2021, registered for the offence punishable under Section 414 of the Indian Penal Code and sections 8/20(b)(ii)(b) and 8/20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 7 KG of Ganja has been recovered from motorcycle of this petitioner.

It is submitted on behalf of the petitioner that nothing has been recovered from conscious possession of this petitioner. The said motorcycle does not belong to 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 08.03.2021.

Counsel for the State vehemently opposed the bail application and submitted that huge quantity of narcotic substance has been recovered from motorcycle of this petitioner.

Considering the aforesaid fact and circumstances and nature of allegation, I am not inclined to grant bail to the petitioner above-named. 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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