

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45530 of 2021**

Arising Out of PS. Case No.-124 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Rambhawan Thakur Son of Late Saraju Thakur @ Sarayu Thakur Resident of
Village- Jokahayee, P.S.- Korav, District- Allahabad (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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

2 15-11-2021 Heard both parties.

The petitioner seeks bail in Durgawati P.S. Case No. 124 of 2021, registered for the offence punishable under Sections 8(c)/20(b)(ii)(B)/29 of the NDPS Act.

As per the prosecution case, this petitioner along with co-accused Akshaibar Singh was apprehended with 15 KG of Ganja which was kept in between them on a motorcycle.

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. Petitioner is in custody since 05.06.2021 having clean antecedent.



However, counsel for the State vehemently opposed the prayer for bail and submitted that huge quantity of Ganja has been recovered from possession of this petitioner.

Considering 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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