

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47986 of 2021**

Arising Out of PS. Case No.-375 Year-2020 Thana- GAIGHAT District- Muzaffarpur

SONU PASWAN @ SONU KUMAR S/o Mundrika Paswan R/o village- Bela
Gopi, P.S.- Gaighat, Distict- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar
For the Opposite Party/s : Mr.Zainul Abedin

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

2 23-11-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail registered for the offence punishable under sections 399, 402/414 of the IPC, sections 25(1-B)a/26/35 of the Arms Act and section 8 and other allied sections of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, one country made loaded pistol, a mobile phone and 5 kilograms of Ganja were recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. Mandatory provision regarding search and seizure has not been followed. It is further submitted that less than commercial quantity of Ganja has been



recovered from the possession of the petitioner as such rigours of section 37 of the NDPS Act would not be attracted against the petitioner. Petitioner claims clean antecedent. He is in custody since 17.11.2020.

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

Considering the rival submissions of the parties, materials available on the record and the quantity of recovery of narcotic substance, I am not inclined to grant bail to the petitioner. Petition for bail of the petitioner is rejected.

However, once the charge is framed and trial commences, the petitioner shall be released on bail by the trial court on the condition that the petitioner will co-operate in disposal of the trial.

(Prabhat Kumar Singh, J)

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