

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51933 of 2021**

Arising Out of PS. Case No.-66 Year-2020 Thana- MAHISHI District- Saharsa

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DIPAK PASWAN @ DEEPAK PASWAN Son of Shiv Nandan Paswan @
Shibu Paswan Resident of Village - Pastwar, P.S.- Mahishi, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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

2 30-11-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 20/22 of the N.D.P.S. Act.

As per the prosecution case, 3.545 Kg of Ganja has
been recovered from the motor cycle of this petitioner.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. No incriminating article has been recovered from the
conscious possession of the petitioner and he is no way
concerned with the alleged recovery. The motor cycle in
question does not belong to the petitioner. 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. It is also submitted that charge has already framed in this case on 01.03.2021. Petitioner claims clean antecedent and is in custody since 19.01.2021 and investigation in this case is complete.

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

Considering the facts of the case and the period of custody of the petitioner and the fact that charge has already framed in this case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge-cum-Special Judge, Saharsa in connection with Mahishi case No. 66/2020.

(Prabhat Kumar Singh, J)

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