

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52280 of 2021

Arising Out of PS. Case No.-379 Year-2020 Thana- PAKARIBARAW District- Nawada

Kailu Singh @ Pawan Singh @ Prinsh Son of Late Bishundeo Singh Resident
of Village - Keshouri, P.S.- Pakribarawan and Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 30-11-2021 Heard learned counsel for the parties.

The petitioner seeks bail in N.D.P.S. Case No. 02 of 2021 / 09 of 2020 arising out of Pakribarawan P.S. Case No. 379 of 2020, registered for the offence under Section 414 of the I.P.C., Sections 20 /22 of the N.D.P.S. Act.

As per F.I.R., this petitioner alongwith one co-accused were apprehended with stolen motorcycle and two kg. of *Ganja*.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. Though, the motorcycle is alleged to be stolen, but no F.I.R. to this effect has been lodged, and as such, no case under Section 414 of the I.P.C. is made out against this petitioner. So far as recovery of *Ganja* is concerned, it is less than commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act



would not be attracted against this petitioner. Petitioner is in custody since 09.11.2020.

However, learned A.P.P. for the State has opposed the bail petition and submitted that in this case, *Ganja* has been recovered on the stolen motorcycle, which was being driven by this petitioner.

Considering the rival submissions of the parties and the recovery of alleged *Ganja*, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on the condition that he will cooperate in disposal of trial and appear before the trial court, as and when required.

(Prabhat Kumar Singh, J.)

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