

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53467 of 2021

Arising Out of PS. Case No.-178 Year-2021 Thana- CHIRAIYA District- East Champaran

ASHESHAR GIRI S/o Surendra Giri R/o village- Khodha Ward No. 03, P.S.-
Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Adya Singh, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-12-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in NDPS Case No. 56 of 2021/Chiraiya Police Station Case No. 178 of 2021 registered for the offence punishable under sections 20, 22, 23 and 24 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 2 kilograms of Ganja has been recovered from the husk house 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. He is in custody since 7.7.2021.

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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