

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54872 of 2021

Arising Out of PS. Case No.-102 Year-2021 Thana- CHHAURADANO District- East
Champaran

=====

Siyaram Prasad Yadav S/O Asheshwar Prasad Yadav Resident of Village-
Pachgachiya, P.S.- Kawai, District- Bara (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 06-12-2021 Heard learned counsel for the parties.

The petitioner seeks bail in NDPS Case No. 38 of 2021, arising out of Chauradano (Mahuawa) P.S. Case No. 102 of 2021, registered for the offence under Section 20(b)(ii) (B) of the N.D.P.S. Act.

As per prosecution case, 5 kg. & 700 gm. of *Ganja* has been recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the possession of the petitioner. Mandatory provision with regard to search and seizure has not been followed. The alleged recovered *Ganja* is less than commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted. Petitioner has got clean antecedent and he is in custody since 28.04.2021.



However, learned A.P.P. for the State has opposed the bail petition and submitted that in this case, huge quantity of *Ganja* has been recovered.

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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