

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40759 of 2020

Arising Out of PS. Case No.-121 Year-2020 Thana- SARAI District- Vaishali

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AJAY KUMAR S/o Late Ramdayal Rai R/o Village- Ward No. 10, Kaila,
Jalalpur (Salempur, Dumariya), P.S.- Gorau, O.P.- Kathara, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Sinha

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

15 29-11-2021 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, 23, 24, 25, 29 of the N.D.P.S. Act.

As per the prosecution case, motor cycle on which this petitioner and co-accused Bittu Kumar were travelling, was stopped and 3 Kg. Ganja from the possession of petitioner and 5 Kg Ganja from the possession of co-accused, Bittu Kumar, was recovered.

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. 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. Petitioner is in custody since 02.06.2020 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 aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

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

(Prabhat Kumar Singh, J)

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