

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2458 of 2022

Arising Out of PS. Case No.-151 Year-2021 Thana- NAYA RAM NAGAR District- Munger

Md Julfiquar @ Jullo Son of Wahid Ali Resident of Village - Mahmada, P.S.-
Naya Ramnagar, Distt.- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director Narcotics Control Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Sinha

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-03-2022 Heard both parties.

The petitioner seeks bail in Nayaramnagar P.S. Case No. 151 of 2021 (NDPS 01 of 2021), registered for the offence punishable under Sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, 2.650 KG of Ganja has been recovered from house of this petitioner.

It is submitted on behalf of the petitioner that nothing has been recovered from conscious possession of this petitioner. Recovery has been made from the house which is in joint possession of family members. The recovered Ganja is less than commercial quantity, as such rigorous of Section 37 of the NDPS Act, would not be attracted. Mandatory provision of



search and seizure has not been followed. Petitioner claims clean antecedent and he is in custody since 31.08.2021.

Learned APP however, vehemently opposed the prayer for bail and submitted that recovered Ganja is more than small quantity.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

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

(Prabhat Kumar Singh, J)

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