

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4077 of 2022

Arising Out of PS. Case No.-323 Year-2021 Thana- SAHPUR District- Patna

Deepak Jha @ Deepak S/o Vijay Jha @ Vijay Thakur Resident of Shivala
More, P.S. Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-04-2022 Heard both parties.

The petitioner seeks bail in Shahpur P.S. Case No. 323 of 2021 corresponding to Special Case No. 112 of 2021, registered for the offence punishable under Sections 8/20(b)(ii) (B)/29 of the Narcotic Drugs and Psychotropic Substances Act and section 25(1-b)a, 26 and 35 of Arms Act.

As per the prosecution case, 1.600 KG of Ganja and one mobile has been recovered from possession of this petitioner.

It is submitted on behalf of the petitioner that no narcotic substance has been recovered from conscious possession of this petitioner and the recovered mobile belongs to this petitioner. 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 and petitioner is in custody since 21.08.2021.

Learned APP however, vehemently opposed the prayer for bail and more than small quantity of narcotic substance has been recovered.

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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