

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5162 of 2022

Arising Out of PS. Case No.-352 Year-2021 Thana- RAJIVNAGAR District- Patna

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KAMLESH KUMAR @ KAMLESH SAO S/O YOENDRA SAW R/o
Mohalla- Nepali Nagar, Panchwati Colony, P.S.- Rajeev Nagar, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nityanand

For the Opposite Party/s : Mrs.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-04-2022 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Rajeev Nagar P.S. Case No. 352 of 2021 corresponding to Special Case No. 103 of 2021, registered for the offence punishable under Sections 20(b) (ii)(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, 02 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. 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 19.08.2021.



Learned APP however, vehemently opposed the prayer for bail.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner abovenamed 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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