

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6833 of 2022**

Arising Out of PS. Case No.-333 Year-2021 Thana- SHASTRINAGAR District- Patna

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SANJEEV KUMAR @ SANJEEV RAM S/o Late Bijendra Ram Resident of  
Village - Nisarpura, Police Station - Naubatpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vinay Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      06-04-2022                      Heard learned counsel for the petitioner and the  
  
State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 8 and other allied sections of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sections 25(1-B)a, 26 and 35 of the Arms Act.

As per the prosecution case, 4 kilograms of Ganja, one pistol with a live cartridge has been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. Mandatory provisions with regard to search and seizure have not been followed. It is



further submitted that less than commercial quantity of Ganja has been recovered from the possession of the petitioner as such rigours of section 37 of the NDPS Act would not be attracted against the petitioner. He is in custody since 14.8.2021.

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 rival submissions of the parties, materials available on the record and the quantity of recovery of narcotic substance, prayer for bail of the petitioner is refused.

However, the court in seisin of the matter shall release of the petitioner on bail to its own satisfaction as and when charge is framed in the case.

**(Prabhat Kumar Singh, J)**

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