

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7804 of 2022

Arising Out of PS. Case No.-172 Year-2021 Thana- CHAND District- Kaimur (Bhabua)

Mukhlal Bind S/O Raja Bind R/o village- Silauta, P.S.- Chand, District-
Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-04-2022 Heard both parties through video conferencing.

The petitioner seeks bail in Chand P.S. Case No. 172 of 2021 corresponding to NDPS Case No. 35 of 2021, registered for the offence punishable under Sections 8(C), 20(b)(ii)B, 22 of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, Ganja weighing about 2.700 KG has been recovered from possession of this petitioner.

It is submitted on behalf of the petitioner that no incriminating article has been recovered from conscious possession of this petitioner. The recovered narcotic is not confirmed that it was Ganja and the FSL report is still awaiting. Alleged recovery 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. Charges have already been framed in this case and petitioner is in custody since 05.09.2021.

Counsel for State opposed the prayer for bail.

Considering the period of custody and the fact that charge has already been framed, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Bhabua, Kaimur in connection with Chand P.S. Case No. 172 of 2021 corresponding to NDPS Case No. 35 of 2021.

(Prabhat Kumar Singh, J)

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