

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7470 of 2022

Arising Out of PS. Case No.-425 Year-2021 Thana- GHORASAHAN District- East
Champaran

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PARMA MUKHIYA Son of Chulhai Mukhiya Resident of Village - Nansagra
Dhat, Post office - Simran Gadh Nagar Palika, Police Station - Simran Gadh,
District - Bara (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-04-2022 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.

As per the prosecution case, 5 kilograms of Ganja 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. Petitioner claims clean antecedent. He is in custody since 2.10.2021.

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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