

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8134 of 2022

Arising Out of PS. Case No.-331 Year-2021 Thana- BARAULI District- Gopalganj

BINAY KUMAR SINGH @ BINAY KUMAR S/o Late Devdat Singh R/o
Village - Ratansaray Ward No. 14, P.S. - Barauli, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr.Adv. Mr.Jitendra Kumar Singh
For the Opposite Party/s :		Mr.Nagendra Prasad,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 11-04-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence under Sections 20/22/25/29 of the N.D.P.S. Act.

As per prosecution case, 2 kg 220 gm of *Ganja* has been recovered from the house of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. Mandatory provision with regard to search and seizure has not been followed. The alleged recovered *Ganja* is less than commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted. Petitioner claims clean antecedent and he is in custody since 09.11.2021. Chargesheet has been submitted.



However, learned A.P.P. for the State has opposed the bail petition and submitted that in this case, huge quantity of *Ganja* has been recovered.

Considering the rival submissions of the parties and the quantity of recovered *Ganja*, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on the condition that he will cooperate in disposal of trial and appear before the trial court, as and when required.

(Prabhat Kumar Singh, J)

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