

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9838 of 2022

Arising Out of PS. Case No.-323 Year-2021 Thana- SAHPUR District- Patna

RAHUL KUMAR Son of Arun Kumar Sharma Resident of Bari Khagaul,
Devi Asthan, P.S.- Khagaul, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Yadav

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-04-2022 Heard both parties.

The petitioner seeks bail in Shahpur P.S. Case No. 323 of 2021 corresponding to Special Case No. 112 of 2021, registered for the offence punishable under Sections 8/20(b)(ii) (B)/29 of the Narcotic Drugs and Psychotropic Substances Act and section 25(1-b)a, 26 and 35 of Arms Act.

As per the prosecution case, 1.800 KG of Ganja and one mobile phone and one motorcycle have been recovered from possession of this petitioner.

It is submitted on behalf of the petitioner that no narcotic substance has been recovered from conscious possession of this petitioner and the recovered mobile phone and motorcycle belong to 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 23.08.2021.

Learned APP opposed the prayer for bail and more than small quantity of narcotic substance has been recovered.

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