

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10190 of 2022

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

Vishal Kumar @ Alok Raj @ Nawab Son of Jitendra Kumar Resident of
Village- Makhdumpur Sarai, P.S.- Shahpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Yadav

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-04-2022 Heard both parties through video conferencing.

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) and 29 of the Narcotic Drugs and Psychotropic Substances Act and sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, 1.700 KG of Ganja, one country made pistol, two live cartridges, one mobile and motorcycle have been recovered from possession of this petitioner.

It is submitted on behalf of the petitioner that nothing has been recovered from conscious possession of this petitioner. Mobile 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 however, vehemently opposed the prayer for bail.

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