

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10777 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- EAST CHAMPARAN GRP CASE
District- East Champaran

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Ravi Chaudhary Son of Tulsi Chaudhary Resident of Village - Nichuta, Ward
No. 5, Police Station - Pokhariya, District - parsa (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Mr.Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-04-2022 Heard both parties.

The petitioner seeks bail in Rail Raxaul P.S. Case No.
27 of 2021 corresponding to NDPS Case No. 112 of 2021,
registered for the offence punishable under Sections 8, 20(b)(ii)
(c) and 22 of the Narcotic Drugs and Psychotropic Substances
Act.

As per the prosecution case, 285 Grams of Charas has
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.
The narcotic substance 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. Petitioner claims clean antecedent and he is in custody since 22.11.2021.

Learned APP however, vehemently opposed the prayer for bail and submitted that more than small quantity of Charas has been recovered from possession of this petitioner.

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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