

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11475 of 2022

Arising Out of PS. Case No.-290 Year-2021 Thana- SHASTRINAGAR District- Patna

Sunil Kumar Dev @ Sunil Kr. Dev Son Of Santosh Kumar Dev @ Sanodh Kumar Dev Resident Of Gai Ghat Naya Gaon, Near Danka Imali, Police Station- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-05-2022 Heard both parties.

The petitioner seeks bail in Shastri Nagar P.S. Case No. 290 of 2021 corresponding to Special Case No. 87 of 2021, registered for the offence punishable under Sections 8, 20(b)(ii)B, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, 4.280 KG of Ganja has been recovered from a Car of which this petitioner was one of the occupants.

It is submitted on behalf of the petitioner that nothing has been recovered from conscious possession of 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 29.07.2021.

Learned APP however, vehemently opposed the prayer for bail and submitted that more than small quantity of narcotic substance has been recovered and petitioner has got criminal antecedent.

Considering the quantity of recovery and criminal antecedent of the petitioner, 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.

With above observation, the petition stands disposed of.

(Prabhat Kumar Singh, J)

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