

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12377 of 2022

Arising Out of PS. Case No.-333 Year-2021 Thana- SHASTRINAGAR District- Patna

Shailesh Kumar @ Shailesh Ram Son of Late Bijendra Ram Resident of
Village- Nisarpura, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-05-2022 Heard both parties through video conferencing.

The petitioner seeks bail in Shashtri Nagar P.S. Case No. 333 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 and sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, 4 KG of Ganja and two live cartridges 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. 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 12.08.2021.

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 recovered narcotic substance and criminal antecedent, 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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