

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15469 of 2022

Arising Out of PS. Case No.-653 Year-2021 Thana- RUPASPUR District- Patna

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Mahanand Mahto @ Mochhu S/o- Late Laldhari Mahto R/v - Kanhauli, P.S. -
Bihta, Distt. - Patna at present resident of village - Avimanu Nagar, P.S. -
Rupashpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-05-2022 Heard both parties.

The petitioner seeks bail in Rupashpur P.S. Case No. 653 of 2021 corresponding to Special Case No. 215 of 2021, registered for the offence punishable under Sections 8/20(b)(ii) (B) of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, 6 KG of Ganja has been recovered from hut 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 18.12.2021.



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

Considering the quantity of recovery, 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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