

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29561 of 2021**

Arising Out of PS. Case No.-579 Year-2020 Thana- MUZAFFARPUR TOWN District-  
Muzaffarpur

Prabhas Sharma Son of Garesh Sharma Resident of Village - Lalbandi, P.S.-  
Lalbandi, District - Sarlafic (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Alok  
For the Opposite Party/s : Mr.Nand Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

4      24-01-2022                      Heard both parties through video conferencing.

The petitioner seeks bail in Town P.S. Case No. 579 of 2020, registered for the offence punishable under Section 414/34 of the Indian Penal Code and section 8/20/22 of the NDPS Act.

As per the prosecution case, this petitioner was intercepted with motorcycle and from his possession 166 grams of Charas, cash of Rs. 160/- and two mobile phones were recovered.

It is submitted on behalf of the petitioner that nothing has been recovered from conscious possession of this petitioner. The recovered Charas 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 21.09.2020. Investigation is complete.

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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