

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34189 of 2021**

Arising Out of PS. Case No.-51 Year-2021 Thana- MANSI District- Khagaria

Ranbir Paswan Son of Late Ramgulam Paswan Resident of Village - Ekania,
P.S.- Mansi, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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

2 06-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Mansi P.S. Case No. 51 of 2021, G.R. No. 565 of 2021 (Special Case No. 2 of 2021) registered for the offence under Section 20 (b)(ii)(B) of the N.D.P.S. Act.

As per prosecution case, 6 kg. of *Ganja* has been recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the possession of the petitioner. Mandatory provision with regard to search and seizure has not been followed. The alleged recovered *Ganja* is less than commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted. Petitioner has got clean antecedent and



he is in custody since 08.03.2021.

However, learned A.P.P. for the State has opposed the bail petition and submitted that in this case, huge quantity of *Ganja* has been recovered.

Considering the rival submissions of the parties and the recovery of alleged *Ganja*, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on the condition that he will cooperate in disposal of trial and appear before the trial court, as and when required.

(Prabhat Kumar Singh, J)

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