

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34115 of 2021**

Arising Out of PS. Case No.-547 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Niraj Kumar @ Nawab Niraj Son Of Bhola Nath Thakur @ Bholanath Thakur
Resident of Village - Sahbajpur, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh
For the Opposite Party/s : Mr.Arun Kumar, APP

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

2 06-01-2022 Heard both parties through video conferencing.

The petitioner seeks bail in Ahiyapur P.S. Case No. 547 of 2020, registered for the offence punishable under Sections 20/22 of the NDPS Act.

As per the prosecution case, 800 Grams of Charas has 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 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 and petitioner is in custody since 22.06.2020.

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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