

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43408 of 2021**

Arising Out of PS. Case No.-396 Year-2020 Thana- GAIGHAT District- Muzaffarpur

MANOJ KUMAR S/O RAM BABU SAH R/O VILLAGE-KANTI
CHHAPRA, P.S-KANTI, DISTRICT-MUZAFFARPUR. ... Petitioner/s
Versus

THE STATE OF BIHAR ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, Addl Public Prosecutor

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

2 18-01-2022 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Gaighat P.S. Case No. 396 of 2020, registered for the offence punishable under Sections 399, 402, 414 of the Indian Penal Code, sections 25(1-b)a, 26 and 35 of the Arms Act and sections 8, 20 and 22 of the NDPS Act.

On secret information that some miscreants are moving in Scorpio vehicle with arms and ammunition a raid was conducted and four persons including this petitioner were apprehended and on search, one loaded country made katta and mobile was recovered. It is further alleged that 5 KG of Ganja was recovered from Scorpio vehicle.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner as the recovery has been made from the vehicle of which petitioner is neither the driver nor the owner. Mandatory provision regarding search and seizure has not been followed. It is further submitted that less



than commercial quantity of Ganja has been recovered from the vehicle as such rigours of section 37 of the NDPS Act would not be attracted against the petitioner. He is in custody since 30.11.2020.

Learned counsel appearing for the State opposes the prayer for bail and submits that huge quantity of Ganja has been recovered from the vehicle of the petitioner was also the traveller.

Considering the rival submissions of the parties, materials available on the record and the quantity of recovery of narcotic substance, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge Muzaffarpur in Gaighat Police Station Case No. 396 of 2020, **once the charge is framed in the case.**

(Prabhat Kumar Singh, J)

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