

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42608 of 2021**

Arising Out of PS. Case No.-108 Year-2020 Thana- MANIYARI District- Muzaffarpur

Vikash Kumar @ Mahanta S/o Birendra Kishore Singh @ Tantan Singh R/o
Village- Balra Kishun, P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar

For the Opposite Party/s : Mr.Shailendra Kumar

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

2 03-01-2022 Heard both parties.

The petitioner seeks bail in Maniyari P.S. Case No. 108 of 2020 corresponding to NDPS Case No. 38 of 2020, registered for the offence punishable under section 414 of the Indian Penal Code, section 25(1-b)a, 26 and 35 of the Arms Act and sections 8/20/22 of the NDPS Act.

As per the prosecution case, 918 grams of Charas and one country made pistol 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 20.05.2020.



Chargesheet has already been submitted.

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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