

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43282 of 2021**

Arising Out of PS. Case No.-114 Year-2020 Thana- GAYA RAIL P.S. District- Gaya

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RIPU KUMAR SINGH @ RIPU SINGH S/O AMARADEV SINGH R/O  
VILLAGE-BAKHARIA, P.S-MAJHAULIA, DISTRICT-WEST  
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ram Adya Singh

For the Opposite Party/s : Mr.Tapeshwar Sharma

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

3      07-03-2022                      Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 8 and other allied sections of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 13.600 kilograms of Ganja has been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. 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 possession of the petitioner as such rigours



of section 37 of the NDPS Act would not be attracted against the petitioner. Petitioner claims clean antecedent. He is in custody since 29.12.2020.

Learned counsel appearing for the State opposes the prayer for bail and submits that more than small quantity of Ganja has been recovered from the possession of the petitioner.

Considering the rival submissions of the parties, materials available on the record and the quantity of recovery of narcotic substance, prayer for bail of the petitioner is refused.

However, the court in seisin of the matter shall release the petitioner on bail to its own satisfaction as and when charge is framed in the case.

**(Prabhat Kumar Singh, J)**

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