

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42173 of 2021**

Arising Out of PS. Case No.-10 Year-2021 Thana- MANPUR District- West Champaran

SHUBH NARAIN GURU Son of Late Chokat Guru Resident of Village -
Behari, P.S.- Bhangaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Pradeep Narain Kumar

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

3 21-02-2022 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 21/22/27 of the N.D.P.S.
Act.

As per the prosecution case, 31 kg. of Ganja has been
recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. No incriminating article has been recovered from the
conscious possession of the petitioner and he is no way
concerned with the alleged recovery. It is submitted that
mandatory provision with regard to search and seizure has not
been followed and since the recovered quantity of narcotic
substance is less than commercial quantity, rigours of Section 37



of the NDPS Act could not be attracted against this petitioner. It is further submitted that charge sheet has been submitted in this case without obtaining FSL report. Petitioner is in custody since 14.02.2021 and investigation in this case is complete.

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 facts and circumstances of the case and the quantity of recovery, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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