

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44355 of 2021

Arising Out of PS. Case No.-99 Year-2021 Thana- LAUKAHA District- Madhubani

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1. Arbind Sah @ Arvind Kumar Shahu Son of Fanilal Shahu Resident of Village - Parsahi, P.S.- Khutauna, District - Madhubani
 2. Gagan Das Son of Chandeshwar Das Resident of Village - Parsahi, P.S.- Khutauna, District - Madhubani

... .. Petitioners

Versus

1. The State of Bihar
2. Union of India through Central Bureau of Narcotics Bihar, Patna Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Satya Nand Shukla, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-01-2022 Heard learned counsel for the petitioners and the other side.

Petitioners pray for grant of regular bail in Laukaha Police Station Case No. 99 of 2021 registered for the offence punishable under section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 10 kilograms of Ganja has been recovered from a bag being carried on the motorcycle by the petitioners.

Learned counsel appearing for the petitioners submits that no incriminating material has been recovered from the conscious possession of the petitioners. 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 petitioners as such rigours of section 37 of the NDPS Act would not be attracted against them. Petitioners claim clean antecedent. They are in custody since 27.3.2021.

Learned counsel appearing for the other side opposes the prayer for bail and submits that huge quantity of Ganja has been recovered from the possession of the petitioners.

Considering the rival submissions of the parties, materials available on the record and the quantity of recovery of narcotic substance, let both the petitioners, 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 cum Special Judge, N.D.P.S.Act, Madhubani in Laukaha Police Station Case No. 99 of 2021/GR No. 09 of 2021, corresponding to NDPS Case No.09/2021, **once the charge is framed in the case.**

(Prabhat Kumar Singh, J)

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