

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43686 of 2021

Arising Out of PS. Case No.-156 Year-2021 Thana- SURSAND District- Sitamarhi

RAM SURESH BHAGAT Son of Late Ram Prasad Bhagat Resident of
Village - Fatepur Khudgas, Ward No. 14, P.S.- Raghapur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

The petitioner prays for grant of regular bail in
Sursand Police Station Case No. 156 of 2021 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 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 5.4.2021.

Learned counsel appearing for the State opposes the prayer for bail and submits that huge 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, 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 Special Judge, Sitamarhi in Sursand Bhittha OP Police Station Case No. 156 of 2021, **once the charge is framed in the case.**

(Prabhat Kumar Singh, J)

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