

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52995 of 2021**

Arising Out of PS. Case No.-214 Year-2021 Thana- NAGAR District- Vaishali

Munna Kumar Yadav Son Of Chandra Nath Yadav Resident Of Village- Naya Tola, Jurabganj, P.S.- Kodha, District- Katihar

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rana Vikram Singh, Advocate
For the Opposite Party : Mr.A.G.

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

- 2 27-01-2022 Heard learned counsel for the petitioner and the State.
- Petitioner seeks regular bail in a case registered for the offence punishable under Section 413/414/34 of the IPC and u/s 8(c)/20(b) (ii) (B)/23(b)/29 of the N.D.P.S. Act.
- As per the prosecution case, 10 Kg Ganja has been recovered from the motor cycle of this 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. Petitioner is in custody since 12.03.2021 and investigation in this case is complete. By filing supplementary affidavit, learned counsel for the petitioner has brought on record the fact that



four criminal cases are already pending against the petitioner.

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 Sessions Judge, Vaishali at Hajipur in Hajipur Town Police Station Case No. 214 of 2021, **once the charge is framed in the case.**

(Prabhat Kumar Singh, J)

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