

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58131 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- BHANGHA District- West Champaran

Dilbahadur Shreshtha S/O Kumar Shreshtha R/O Village-Vijay Basti, P.S-
Bijay Basti, District-Parsa (Nepal).

... .. 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.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Trial No. 09 of 2021, arising out of Bhangaha P.S. Case No. 70 of 2020, registered for the offence under Section 20, 21, 23, 24, 27 of the N.D.P.S. Act.

As per prosecution case, 13.5 kg. of *Ganja* has been recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that no incriminating article has been recovered from the possession of the petitioner. Mandatory provision with regard to search and seizure has not been followed. The alleged recovered *Ganja* is less than commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted. Petitioner has got clean antecedent and he is in custody since 09.11.2020.



Chargesheet has been submitted.

However, learned A.P.P. for the State has opposed the bail petition and submitted that in this case, huge quantity of *Ganja* has been recovered.

Considering the rival submissions of the parties and the recovery of alleged *Ganja*, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on the condition that he will cooperate in disposal of trial and appear before the trial court, as and when required.

(Prabhat Kumar Singh, J)

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