

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58691 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- PARIHAR District- Sitamarhi

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Amar Kumar Mahto Son of Upendra Mahto Resident of Village - Rajkhor
Ward no.4, Gausala, P.S.- Gaushala, distt.- Motihari., State Province 02
Nepal. Permanent address R/o Village - Machahi, P.S.- Sakra, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-02-2022 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Parihar P.S. Case No. 69
of 2021, registered for the offence under Sections 8(b)/20(b)/22
of the N.D.P.S. Act.

As per prosecution case, 1 kg. & 900 gm. of *Ganja*
has been recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that 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.
Mandatory provision with regard to search and seizure has not
been followed. There is no allegation of tampering with the
evidence against this petitioner. Petitioner has got clean



antecedent and is in custody since 24.03.2021. Investigation is complete.

However, learned A.P.P. for the State has opposed the bail petition and submitted that in this case, more than small quantity of *Ganja* has been recovered from the possession of petitioner.

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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