

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62275 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- MOTIPUR District- Muzaffarpur

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Ajit Sah S/o Suresh Sah Resident of Village - Purani Bazar, P.S. - Motipur,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.N.K.Agrawal,Sr.Adv.

Mr.Raju Kumar, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-02-2022 Heard learned counsel for the petitioner and learned
Addl. Public Prosecutor.

The petitioner seeks bail in N.D.P.S. Case No. 25 of
2021, arising out of Motipur P.S. Case No. 101 of 2021,
registered for the offence under Sections 8/20/22 of the N.D.P.S.
Act.

As per prosecution case, 9 kg. of *Ganja* has been
recovered from the house of the petitioner.

It is submitted on behalf of petitioner that nothing has
been recovered from the possession of the petitioner. Recovery
has been made from the house, which is in joint possession of
the family. 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 applicable. Petitioner has got clean antecedent and he is in custody since 24.03.2021.

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.

Considering the aforesaid facts & circumstances as well as the quantity of recovered *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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