

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61994 of 2021**

Arising Out of PS. Case No.-365 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

Anish Kumar Son of Bishwanath Sah @ Krishna Sah Resident of Village-  
Ram Nagar, P.S.- Chapra Muffasil, Dist- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Chandra Mohan Jha, Advocate

For the Opposite Party : Mr.Syed Mojibur Rahman, Addl Public Prosecutor

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

2      17-02-2022                      Heard learned counsel for the petitioner and the  
State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 20/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sections 25(1-B)a, 26 and 35 of the Arms Act.

As per the prosecution case, 6 grams Smacks 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. He is in custody since 8.8.2021.

Learned counsel appearing for the State opposes the prayer for bail and submits that more than small quantity of Smack has been recovered from the pocket 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 cum Special Judge Saran at Chapra in Chapra Muffasil Police Station Case No. 365 of 2021, **once the charge is framed in the case.**

**(Prabhat Kumar Singh, J)**

Shashi

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