

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62670 of 2021**

Arising Out of PS. Case No.-401 Year-2021 Thana- AHYAPUR District- Muzaffarpur

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NARESH SAHNI @ NARESH SAHANI Son of Bihari Sahani Resident of
Village- Kolhua Paigambarpu (Satsang Nagar),P.S. Ahiyapur, District-
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ravi Nandan, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, Addl Public Prosecutor

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

3 05-04-2022 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 section and other allied sections of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 225 sachets of Smack 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 provisions with regard to search and seizure have not been followed. It is further submitted that less than small quantity of Smack 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. Petitioner claims clean antecedent. He is in custody since 22.6.2021. Investigation is complete.

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, prayer for bail of the petitioner is refused.

However, the court in seisin of the matter shall release of the petitioner on bail to its own satisfaction as and when charge is framed in the case.

(Prabhat Kumar Singh, J)

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