

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62639 of 2021

Arising Out of PS. Case No.-766 Year-2021 Thana- ARA NAWADA District- Bhojpur

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1. KAUSHAL SINGH S/o- RAM SAREKH SINGH Resident of Village- Babura, P.S.- Barahara, District- Bhojpur.
 2. Satyendra Pandey Son of Rameshwar Pandey Resident of Village- Pachrukhiya, P.S.- Koilwar, District- Bhojpur.
 3. Chhotu @ Padmakar Pandey Son of Satyendra Pandey Resident of Village- Pachrukhiya, P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE UNION OF INDIA

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 20/21/22 of the N.D.P.S. Act.

As per the prosecution case, 2 kg of Ganja has been recovered from a Scorpio vehicle of which petitioner No.1 was driver and petitioner No.2 and 3 were co-passengers.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. No incriminating article has been recovered from the



conscious possession of the petitioners and they are no way concerned with the alleged recovery. It is submitted that mandatory provision with regard to search and seizure has not been followed and since the recovered quantity of narcotic substance is less than commercial quantity, rigours of Section 37 of the NDPS Act could not be attracted against these petitioners. Petitioner No.1 has no criminal antecedent whereas petitioner No.2 and 3 have criminal antecedent but none of the cases are under NDPS Act and they are in custody since 12.08.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that more than small quantity of Ganja has been recovered from the possession of the petitioners.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioners, shall be released on bail by the trial court to its own satisfaction on the condition that the petitioners will co-operate in the trial.

(Prabhat Kumar Singh, J)

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