

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62816 of 2021

Arising Out of PS. Case No.-156 Year-2021 Thana- SURSAND District- Sitamarhi

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Prem Kumar Rai Son of Chanarik Ray Resident of Village -
Chakmahammadpur, Saidpur, Kutubpur, P.S. - Vidupur, District - Vaishali.
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-02-2022 Heard learned counsel for the parties.

The petitioner seeks bail in Sursand Police Station
Case No. 156 of 2021 registered for the offence punishable
under Sections 8 / 20 (b) (ii) (c)/ 22(B) of the N.D.P.S. Act.

As per the prosecution case, 13 kilograms of *Ganja*
has been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits
that no narcotic substance has been recovered from the
conscious possession of the petitioner. Mandatory provision
with regard to search and seizure has not been followed. It is
further submitted that the alleged recovery is less than
commercial quantity, and as such, rigours of section 37 of the
N.D.P.S. Act would not be attracted against the petitioner.
Petitioner claims clean antecedent and he is in custody since
06.04.2021.



Learned A.P.P. for the State opposed the prayer for bail and submitted that huge quantity of *Ganja* has been recovered from the possession of the petitioner.

Considering the aforesaid facts and circumstances as well as the quantity of recovery of narcotic substance, let the petitioner, as named above, be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of concerned court where the case is pending in connection with Sursand P.S. Case No. 156 of 2021, **after framing of charge in this case.**

(Prabhat Kumar Singh, J)

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