

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63780 of 2021**

Arising Out of PS. Case No.-103 Year-2021 Thana- AURAI District- Muzaffarpur

Prince Kumar @ Kanhai Son of Rajeev Thakur Resident of Village - Basua,
P.S. - Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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

2 21-02-2022 Heard both parties.

The petitioner seeks bail in Aurai P.S. Case No. 103 of 2021, registered for the offence punishable under Sections 399, 402 of the Indian Penal Code, sections 25(1-b)a, 26 and 35 of the Arms Act and sections 20/22 of the NDPS Act.

As per the prosecution case, one loaded country made pistol and 1.930 KG of Ganja has been recovered from possession this petitioner.

It is submitted on behalf of the petitioner that nothing has been recovered from conscious possession of this petitioner. The recovered Ganja is less than commercial quantity, as such rigorous of Section 37 of the NDPS Act, would not be attracted. Mandatory provision of search and seizure has not been followed and petitioner is in custody since 30.05.2021 having



clean antecedent.

Learned APP however, vehemently opposed the prayer for bail.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that petitioner will cooperate in disposal of trial and appear before the court, as and when required.

(Prabhat Kumar Singh, J)

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