

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63567 of 2021**

Arising Out of PS. Case No.-423 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

AJIT SHARMA S/O RANVEER SHARMA R/o Mohalla- A-1051, Shyam
Colony, Budh Bihar, Sultanpuri, C-Block, North-West, Delhi-110086

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, Addl Public Prosecutor

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

2 21-02-2022 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 section 8 and other allied sections of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 10 kilograms of Ganja has been recovered from the bag 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. Petitioner claims clean antecedent. He is in custody since 1.7.2021.

Learned counsel appearing for the State opposes the prayer for bail and submits that huge quantity of Ganja has been recovered from the bag which was being carried by the petitioner on his back.

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, Muzaffarpur in Ahiyapur Police Station Case No. 423 of 2021, **once the charge is framed in the case.**

(Prabhat Kumar Singh, J)

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