

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70275 of 2021**

Arising Out of PS. Case No.-151 Year-2021 Thana- NAYA RAM NAGAR District- Munger

Md. Nashir Ali Azad @ Md. Nasir Son of Md. Julfekar Ali Azad @ Julfekar
@ Jullo Resident of Mahmada, P.S.- Naya Ramnagar, District - Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Narcotics Control Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Sinha

For the Opposite Party/s : Mr.Anil Prasad Singh

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

2 04-03-2022 Heard both parties through video conferencing.

The petitioner seeks bail in Nayaramnagar P.S. Case No. 151 of 2021, registered for the offence punishable under Sections 20/22 of the NDPS Act.

As per the prosecution case, 2.650 KG of Ganja has been recovered from house of co-accused Md Jullo and this petitioner was apprehended on the spot.

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 13.12.2021 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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