

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.70790 of 2021**

Arising Out of PS. Case No.-122 Year-2021 Thana- PALANWA District- East Champaran

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UMESH SAH @ UMESH PRASAD SAH Son of Shivrath Sah Resident of  
village - Sidhpur, P.S.- Palanawa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Jai Narain Thakur

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

2      08-03-2022      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 sections 20b(ii)A, 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 250 grams Ganja was recovered from the shop of the petitioner.

Learned counsel appearing for the petitioner submits that no incriminating material has been recovered from the conscious possession of the petitioner. More so, alleged narcotic substance was less than the small quantity. Mandatory provision regarding search and seizure has not been followed. Rigours of section 37 of the NDPS Act would not be attracted against the petitioner. Petitioner claims clean antecedent and he is in



custody since 24.8.2021.

Considering the rival submissions of the parties, materials available on the record and the fact that the alleged recovery is less than the small quantity, let the petitioner, above named, 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 the Additional Sessions Judge I cum Special Judge, SC/ST Act, Motihari, East Champaran in NDPS Case No. 72 of 2021.

**(Prabhat Kumar Singh, J)**

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