

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70747 of 2021**

Arising Out of PS. Case No.-283 Year-2021 Thana- HARLAKHI District- Madhubani

Sukhchain Mahto @ Sukhchaun Kumar Mahto Son of Sri Chalitar Mahto
Resident of village - Mahadeo Patti, P.S.- Harlakhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Ms.Rina Sinha

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

2 07-03-2022 Heard both parties.

The petitioner seeks bail in Harlakhi P.S. Case No. 283 of 2021, registered for the offence punishable under Section 20/22 of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, 5 KG of Ganja has been recovered from possession of 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. Petitioner claims clean antecedent and he is in custody since 30.10.2021.

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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