

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70746 of 2021

Arising Out of PS. Case No.-161 Year-2021 Thana- LALGANJ District- Vaishali

Nitish Kumar Son of Jugul Sahni Resident of Village- Shyampur, P.S.-
Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-03-2022 Heard both parties.

The petitioner seeks bail in Lalganj P.S. Case No. 161 of 2021, registered for the offence punishable under Section 414 of the Indian Penal Code and sections 20, 22, 23, 24, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, 18 KG of Ganja and one mobile have 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 10.05.2021.



Learned APP however, vehemently opposed the prayer for bail and submitted that huge quantity of Ganja has been recovered from possession of this petitioner.

Considering the quantity of recovered narcotic substance, 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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