

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71910 of 2021**

Arising Out of PS. Case No.-714 Year-2021 Thana- JAHANABAD District- Jehanabad

Nishant Kumar @ Pinku Singh Son of Vishwanath Singh Resident of Village-
Chhoti Kalpa, P.S.- Kalpa O.P., District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh
For the Opposite Party/s : Mr.Manoj Kumar

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

2 10-03-2022 Heard both parties.

The petitioner seeks bail in Jehanabad Town (Kalpa OP) P.S. Case No. 714 of 2021, registered for the offence punishable under Sections 8/20(b)(II)A/25 of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, 1.300 KG of Ganja has been recovered from house of this petitioner.

It is submitted on behalf of the petitioner that nothing has been recovered from conscious possession of this petitioner. Recovery has been made from the house which is in joint possession of the family. 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 17.11.2021.

Learned APP however, vehemently opposed the prayer for bail and submitted that the recovered Opium is more than small quantity.

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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