

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.132 of 2022

Arising Out of PS. Case No.-290 Year-2021 Thana- SHASTRINAGAR District- Patna

Banti Kumar @ Ghanti @ Bantee Kumar @ Ghanti Kumar Son of Late Govind Sah Resident of Mohalla- Salimpur Ahra Daldali Road, Near Ruban Hospital, Police Station- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-03-2022

Heard learned counsel for the parties.

The petitioner seeks bail in Special Case No. 87 of 2021, arising out of Shastri Nagar P.S. Case No. 290 of 2021, registered for the offence under Sections 8/20 (b)(ii) (B)/25/29 of the N.D.P.S. Act.

As per prosecution case, 4 Kg. 280 gm. of *Ganja* has been recovered from a car, of which, this petitioner was one of the occupant.

It is submitted on behalf of petitioner that nothing has been recovered from the possession of the petitioner. Petitioner is neither owner nor driver of the said car. Mandatory provision with regard to search and seizure has not been followed. The alleged recovered *Ganja* is less than commercial quantity and



as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted. Petitioner is in custody since 29.07.2021. Investigation is complete.

However, learned A.P.P. for the State has opposed the bail petition and submitted that in this case, more than small quantity of *Ganja* has been recovered from a car, in which, this petitioner was travelling and petitioner has got criminal antecedent also.

Considering the rival submissions of the parties and the quantity of alleged *Ganja*, I am not inclined to grant bail to the petitioner.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on the condition that he will cooperate in disposal of trial and appear before the trial court, as and when required.

With above observation, the petition stands disposed of.

(Prabhat Kumar Singh, J)

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