

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.697 of 2022

Arising Out of PS. Case No.-413 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

MAHENDRA PATHAK Son of Vashishtha Pathak Resident of Village -
Masarh, Masar, P.S.- Udawant Nagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-04-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the
offence under Sections 20(b)(ii)(c) and 29 of the N.D.P.S. Act.

As per prosecution case, 25 kg. of *Ganja* has been
recovered from a T.V.S. Apache motorcycle and this petitioner,
who was riding on the motorcycle, was apprehended on spot.

It is submitted on behalf of petitioner that nothing has
been recovered from the possession of the petitioner. Recovery
has been from the motorcycle, which does not belong to this
petitioner. Mandatory provision with regard to search and
seizure has not been followed. Petitioner has got clean
antecedent and he is in custody since 25.09.2021.

However, learned A.P.P. for the State has opposed the
bail petition and submitted that commercial quantity of *Ganja*
has been recovered.



Considering the quantity of alleged *Ganja* and restriction imposed under Section 37 of the N.D.P.S. Act, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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