

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42963 of 2015

Arising out of PS.Case No. -60 Year- 2015 Thana -SILAO District- NALANDA (BIHARSHARIFF)
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Md. Iliyas, Son of Late Abdul Aziz, R/o Village Khari Kuan Silao, P.S. Silao, District Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Chandra, Advocate.

For the Opposite Party : Mr. Sanjay Kr.Panday(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-12-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 11.05.2015
in connection with Silao P.S. Case No. 60 of 2015 for the offences
instituted under Sections 20 and 23 of the N.D.P.S. Act.

The prosecution story, in brief, is that the informant S.I.
Santosh Kumar, S.H.O., Silao Police Station, recorded self
statement alleging therein that on 10.05.2015 at 11.00 O' Clock,
he got confidential information that some persons are involved in
sale and purchase of Ganja. On this information, he constituted a
team of Anchla Adhikari, Silao, Binod Pandey, A.S.I. alongwith
other police force and proceeded for necessary action at 11.20
O'clock. When they reached at NH 82 at Bhui More, he saw that



two persons were present with bag in their hand and one person with cartoon. The informant further disclosed that on seeing the police force managed to catch them at N.H. 82 near Bolbum Rice Mill. The arrested persons were searched in presence of two independent witnesses and they disclosed their name as Md. Iliyas petitioner from whose possession 5-5 Kg. white colour packet contains Ganja like substance in Badami colour bag has been recovered and another person disclosed his name as Md. Akram @ Akram @ Seru from whose possession, one packet of 5 Kgs., 5 Packet of 1 Kg. each in a black bag and from cartoon 5 packet of 1 kg. each total 15 kgs. Ganja like substance has been recovered. The arrested accused persons have not produced any documents thereafter a seizure list has been prepared in presence of two independent witness and copy of seizure list served the accused persons. Upon this information, the present FIR has been instituted against both the accused persons.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 11.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. As per prosecution case, 10 Kg. of Ganja is said to have been recovered from possession of the petitioner. The

same is said to be much below the commercial quantity. No compliance of Section 50 NDPS in respect to seizure has been followed. FSL report is said to have been received in a sealed cover, same is opened in the Court room.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Nalanda at Biharshariff, in connection with Silao P.S. Case No. 60/2015.

Let FSL report be returned to the office of the Director, Forensic Science Laboratory, Bihar, Patna.

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(Sudhir Singh, J)