

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50578 of 2015**

Arising Out of PS.Case No. -4 Year- 2014 Thana -EAST CHAMPARAN GRP CASE District-  
EASTCHAMPARAN(MOTIHARI)

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Rukshana Khatoon wife of Id Mohammad, resident of Village-Chapkaiya,  
P.S. - Chapkaiya, District - Nepal.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal (APP)

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

2      10-11-2015      Heard the parties.

The petitioner is in custody in connection with  
N.D.P.S. Case No. 33 of 2014 arising from Rail Raxaul P.S. Case  
No. 04 of 2014 for offence punishable under Sections 20(b), (ii)  
(c), 22, 23 and 24 of the Narcotic Drugs and Psychotropic  
Substances Act, 1985 (hereinafter referred to as ‘the Act’).

Allegation against the petitioner is of recovery of 12  
packets of *Charas* from the possession of the petitioner.

Learned counsel for the petitioner while agreeing that  
the allegation is such but submits that the seizure list is not in tune  
with the legal provisions and does not bear the signature of the  
accused persons. He thus endeavours to question the arrest and  
the accusation on the anvil that the seizure list is not in tune with

the legal provisions. He also relies upon a Bench decision of this Court passed in Criminal Misc. No. 18171 of 2015 whereunder it is considering the infirmity in the seizure list that one other accused namely Khusbu Tara Khatoon has been granted bail.

I humbly beg to disagree with the opinion of the Learned Judge granting bail to the accused Khushbu Tara Khatoon for in the nature of the accusation and the provisions underlying Section 37 of 'the Act', any infirmity or otherwise in the seizure list is not an issue to be considered at the present stage and which issue would always be available to the accused to be raised during the course of trial but for the present this Court would not be persuaded to grant indulgence in the nature of the accusation. The prayer for bail is rejected. The bail application is dismissed.

Since the investigation is complete and the matter is ripe for trial, let the trial be expedited by the trial court.

**(Jyoti Saran, J)**

S.Sb/-

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