

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52108 of 2015

Arising Out of PS.Case No. -172 Year- 2014 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

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Md. Afroz Alam @ Afroz Alam son of Late Sham Mohammad Mian,
resident of village- Sirisia, P.S. Bhairoganj, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Mojibur Rahman

For the Opposite Party/s : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 01-12-2015 Heard learned counsel for the petitioner and Sri Madan
Kumar, learned A.P.P.

The petitioner, who is in custody in connection with
Ramnagar P.S. Case No. 172 of 2014 (N.D.P.S. Case No. 19 of
2014), registered for the offence punishable under Section 414/ 34
of the Indian Penal Code, Section 8 / 20(b) (ii) (B), 25 and 29 of
the Narcotic Drugs and Psychotropic Substances Act, has prayed
for grant of bail.

Learned counsel for the petitioner submits that in the
occurrence along with the petitioner two other accused persons
were arrested. However, co-accused Raj Kishore Bhagat @ Raj
Kishore Raut and co- accused Ramesh Sah, have been granted
bail by a bench of this court, and as such, on the principle of
parity, a prayer has been made for extending the privilege of bail

to the petitioner.

Sri Madan Kumar, learned A.P.P. has opposed the prayer for bail. He submits that in the F.I.R. itself there is specific accusation that the petitioner was carrying a blue bag from which more than 8 Kilogram *Charas* was recovered, and as such, petitioner's claim may not be equated with the case of the other two accused persons, and he has made a prayer for rejection of the prayer for bail.

Besides hearing, I have also perused the materials available on record. Fact remains that in such cases while granting bail prima facie a reason is required to be assigned regarding innocence of the accused person only then this court is entitled to grant bail. Moreover, in the F.I.R. there is specific accusation that from the bag which was being carried by the petitioner more than 8 Kilogram *Charas* was recovered. Under Section 37 of Narcotic Drugs and Psychotropic Substances Act, while granting bail in such cases reason showing innocence of the accused person is required to be recorded. I do not find that it is a case for recording such opinion, and as such, the prayer for bail stands rejected.

(Rakesh Kumar, J)

Praful/-

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