

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7306 of 2016

Arising Out of PS.Case No. -315 Year- 2015 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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Afroj Alam @ Afroz Alam son of Sk. Ayub.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Shyam Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-03-2016

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in jail since 19.12.2015 in a case registered for the offences punishable under Sections 349, 489B and 489C/34 of the Indian Penal Code and 20, 22, 24, 27 and 29 of the NDPS Act.

The prosecution case is that the informant being the S.H.O., of Bairiya police station intercepted two motorcycles. On one motorcycle, petitioner and one Noor Alam were travelling while on the other motorcycle, Sabhapati Ram was travelling. From the motorcycle on which petitioner and co-accused Noor Alam were travelling, four kilogram of charas were recovered, though, 20 fake currency notes of 1000 denomination were recovered from the possession of co-accused Noor Alam. From the Motorcycle of Sabhapati Ram, 1/2 kilogram charas was recovered.

It is submitted by learned counsel for the petitioner that the motorcycle on which the petitioner and co-accuse Noor Alam were travelling was found registered in the name of sister of Noor Alam when other motorcycle was found registered in the name of Santosh, brother-in-law of co-accused Sabhapati Ram. Admittedly, no fake currency note was recovered from the petitioner and charas was recovered from the dikki of the motorcycle of which the petitioner had no knowledge. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Learned A.P.P., after going through the case diary submits that the petitioner in league with Noor Alam was involved in trafficking charas.

Considering the fact that commercial quantity of charas has been recovered from the motorcycle on which the petitioner and co-accused Noor Alam were travelling, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected in connection with Bairiya P.S. Case No. 315 of 2015 pending in the court of learned Sessions Judge, West Champaran at Bettiah.

Let the trial be expedited.

Amrendra/-

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(Dinesh Kumar Singh, J)