

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51696 of 2015

Arising Out of PS.Case No. -718 Year- 2014 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

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1. Naeem Alvi son of Babban Ali Shah, resident of Village- Devachara,
P.S.- Bhamora, Tehsil- Aonla District- Bareilly (U.P.)

.... Petitioner/s

Versus

1. Union of India through Intelligent officer, D.R.I. Regional Unit, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad, Advocate

For the Opposite Party/s : Mr. Anshay Bahadur Mathur (C.G.C.)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 12-01-2016 Heard learned counsel for the petitioner and learned counsel
representing the Union of India.

Petitioner seeks bail in Special Case No. 82 of 2014 arising
out of DRIF. No. DRI/LZU/PRU/718 (ii) ENQ-13/14 registered
for the offences punishable under Section 21/29 of NDPS Act.

Allegedly, acting on tip off, the search was made in
presence of gazetted officer and from possession of the petitioner
Naeem Alvi 2 kg. of opium was recovered kept in two packets
inside the jacket and further from possession of co-accused
Shakeel Ahmad 3 Kg. of Opium was recovered besides cash,
mobile and other documents.

Submission is of false implication and that the petitioner has

got no criminal antecedent, in the chemical examination report though each of the five samples answers positive test for the presence of morphine but further examination was not done to detect the quantity of the morphine present in the opium and the recovered quantity does not come under the purview of commercial quantity to which the learned counsel representing DRI opposes by submitting that in the samples morphine was detected and 250 grams of morphine comes under the commercial quantity and further the petitioner confessing his guilt has stated that earlier also he was involved in dealing with contraband.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature and further noticing that chemical examiner has found presence of morphine in all the five samples, as such this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, considering the period of detention of the petitioner, trial court is directed to expedite the trial and conclude the same preferably within six months after keeping the same on day to day basis.

(Jitendra Mohan Sharma, J)

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