

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40414 of 2016

Arising Out of PS.Case No. -185 Year- 2016 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

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1. Kripa Shankar Singh @ Kripa Singh son of Late Amar Singh Resident
of Village-Mazuraha, P.S.-Turkaulia, District-East Champaran
(Motihari)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2016

The petitioner is languishing in custody since
27.07.2016 in a case registered for the offences punishable
under Sections 20(b), 22, 23, 24 of the Narcotic Drugs and
Psychotropic Substances Act.

From the possession of the petitioner 1 Kg
and 500 grams in the shape of green colour ship and two
earthen-chilam(device of smoking) were recovered.

It is submitted by learned counsel for the
petitioner that neither the samples were drawn nor it was
transmitted to the Forensic Science Laboratory for chemical
examination and only on suspicion the accusation has been
levelled. The recovery is slightly above the small quantity.

It is further submitted that the accusation
does not constitute any offence under Section 24 of the Act.
Section 24 of the NDPS Act stipulates punishment for external
dealings in narcotic drugs and psychotropic substances in

contravention of section 12 when any person engages in or controls any trade whereby a narcotic drug or a psychotropic substance is obtained outside India and supplied to any person outside India without the previous authorization of the Central Government or otherwise than in accordance with the conditions of such authorization granted under section 12. But, in the present case there is no accusation of dealing in the narcotic drugs and psychotropic substances outside the India, hence, no offence under Section 24 NDPS Act is made out.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Mr. Ganesh Prasad Singh, learned counsel for the State does not controvert the quantum of recovery and the fact that accusation does not constitute any offence under Section 24 of the Act.

Considering the quantity of recovery coupled with the statement in para 3 of the petition that petitioner has no criminal antecedent, 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 learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with N.D.P.S. Case No. 39 of 2016, arising out of Chatauni P.S. Case No. 185 of 2016, G.R. Case No. 3682 of 2016.

(Dinesh Kumar Singh, J)

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