

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39437 of 2016

Arising Out of PS.Case No. -325 Year- 2002 Thana -BUXAR District- BUXAR

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Sabhapati Yadav @ Master Yadav @ Master, son of Sitaram Yadav,
resident of Village-Budhanpurwan, Buxar, P.S.-Buxar(T), District-Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh

For the Opposite Party/s : Mr. Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-09-2016

The petitioner is languishing in custody since

23.03.2016 in a case registered for the offences punishable
under Sections 20, 21, 25, 27(A), 29 of the N.D.P.S. Act and
Section 47(a) of the Excise Act.

The prosecution case is that on the basis of
secret information the house of the petitioner was raided
leading to seizure of 550 gms of heroin, weighing equipment of
small quantity, cash of Rs. 520 underneath the bed of the
petitioner from the bed kept in a bag and from a air bag two
packets of Ganja weighing 3 Kg were recovered. The wife and
son of the petitioner stated that the trade of heroin is being
conducted by the petitioner.

It is submitted by learned counsel for the
petitioner that recovery has been made from the joint family
house.

A statement has been made in para 3 of the

petition that petitioner has no criminal antecedent.

It is further submitted that co-accused have been acquitted by the Division Bench of this Court vide judgment dated 14.02.2007 passed in Cr. Appeal No. 249 of 2004(DB).

Miss Shahin Begum, learned counsel for the State submits that recovery is of commercial quantity.

Considering the fact that the case was registered in 2002 and petitioner has been arrested in 2016, coupled with the fact that recovery of heroin is of commercial quantity and in view of the embargo under Section 37 of the Act, this Court is not inclined to grant bail to the petitioner.

The application stands dismissed in connection with N.D.P.S. Case No. 36A of 2002, arising out of Buxar (T) P.S. Case No. 325 of 2002, pending in the Court of learned Additional District & Sessions Judge, 1st, Buxar.

Learned Court below is expected to expedite the trial.

(Dinesh Kumar Singh, J)

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