

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48493 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -BARURAJ District- MUZAFFARPUR

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Shyam Kumar Yadav, Son of Sri Satyanarayan Rai, Resident of Village-
Machhahi, P.S.: Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Jyotsna Rani Mishra

For the Opposite Party/s : Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 22-12-2016 Heard Smt. Jyotsna Rani Mishra, learned counsel for
the petitioner and Dr. Indihar Kumari, learned Additional Public
Prosecutor.

The petitioner, who is in custody in Baruraj P.S. Case
No. 14 of 2016 registered for the offence under Section 399, 402,
414, 120(B) of the Indian Penal Code, Section 25 (1-b) a, 26 (ii),
35 of the Arms Act and Section 20 and 22 of the Narcotic Drugs



And Psychotropic Substances Act has prayed for grant of bail.

By way of referring to the F.I.R. it was submitted by learned counsel for the petitioner that personal search of the petitioner was itself illegal since it was violative of Section 50 of the Narcotic Drugs And Psychotropic Substances Act. She submits that personal search of the petitioner was not conducted in presence of either Gazetted Officer or Magistrate. It has also been argued that in the F.I.R. it was alleged that apprehended persons had disclosed the name of some accused persons who fled away whereas , fact remains that name of some of the co-accused persons were mentioned, who were already in jail. On aforesaid grounds a prayer was made for grant of bail.

Learned Additional Public Prosecutor opposing the prayer submits that after raid was conducted , number of accused persons were seen , however two accused persons were apprehended by the Police. From one another accused namely Vijay Sahni one loaded country made pistol with sedative drugs were recovered. From possession of the petitioner also huge quantity of sedative drugs were recovered. Beside huge quantity of Ativan tablets, syringe etc. were also recovered. It has been argued by learned Additional Public Prosecutor that the informant is non else but a police officer as stated in the F.I.R. and Police



had received information regarding assembling of accused persons for committing dacoity.

Be that as it may, since sedative substances were recovered from possession of the petitioner, there is no reason to extend bail.

The petition stands dismissed.

Keeping in view the fact that petitioner is in custody since February 2016, while dismissing it is desirable to observe that the learned court below may take appropriate steps so that, the case may come to its logical end without unnecessary delay.

(Rakesh Kumar, J)

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