

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33122 of 2016

Arising Out of PS.Case No. -34 Year- 2013 Thana -GOVERNMENT OFFICIAL COMP. District-
EASTCHAMPARAN(MOTIHARI)

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1. Shamshad Ansari @ Shamsad Ansari Son of Jahur Ansari resident of
Village- Teentolia, Ward No.3, P.S.- Mahuan, District- Parsa, Nepal.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Union of India through Intelligence Officer, Narcotics Control Bureau,
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Advocate
For the Union of India : Mr. Rajesh Kumar Verma, C.G.C.
For the State : Mr. Sri Damodar Prasad Tiwary

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

4 06-09-2016 Heard learned counsel for the petitioner and the
State.

Petitioner is languishing in custody since
17.02.2013 in a case registered for the offences punishable
under Sections 8, 20(b) (ii) (c) of the Narcotics Drugs and
Psychotropic Substances Act.

The prosecution case is that complainant being
the inspector of Narcotics Control Bureau received
information that two carriers are transporting narcotics
from Nepal to India, when two persons were apprehended
namely co-accused Sami Ali and the petitioner Shamshad
Ansari @ Shamsad Ansari. From Shami Ali 1.7 Kg. and from
the petitioner 1.8 K.g charas were recovered.

It is submitted by the learned counsel for the petitioner that petitioner has no criminal antecedent and under misconception he has been apprehended.

Mr. Rajesh Kumar Verma, learned counsel for the Narcotics Control Bureau submits that out of eight witnesses five have been examined and recovery is of commercial quantity.

Considering the rival submission of the parties, keeping in view of the commercial quantity of recovery and embargo under Section 37 of the Narcotics Drugs and Psychotropic Substances Act, this Court is not inclined to grant bail to the petitioner in connection with N.D.P.S. Case No. 34 of 2013, pending in the court of learned 3rd Additional Sessions Judge, Motihari, East Champaran.

Accordingly, the bail application is dismissed.

It is expected from the learned court below to conclude the trial expeditiously.

(Dinesh Kumar Singh, J)

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