

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41501 of 2016

Arising Out of PS.Case No. -38 Year- 2016 Thana -SRINAGAR District-
WESTCHAMPARAN(BETTIAH)

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Noor Hasan Mian @ Khedaru Mian Son of Samtul Mean R/o village -
Bhawanipur, P.S. Srinagar (Pujahan), District West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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

ORAL ORDER

02/ 22-09-2016

Heard learned counsels for the petitioner and

the State.

The petitioner is languishing in custody since
23.06.2016 in a case registered for the offences punishable under
Sections 20, 22, 23, 25A, 27A and 29 of the NDPS Act.

The prosecution case is that the house of the
petitioner was raided by SHO of Srinagar Pujaha Police Station
when from the possession of the petitioner 1.800 kgs. Ganja were
recovered. On query the petitioner conveyed that he bring the
Ganja from Nepal and used to sell to the villagers.

It is submitted by learned counsel for the
petitioner that the recovery is between small and commercial
quantity and a statement has been made in paragraph 3 of the
petition that the petitioner has no criminal antecedent. In fact, the

petitioner never confessed anything to the police but the police of his own recorded about the confession. The said confession alleged to be after the recovery which is not admissible. No case under Section 27A of the NDPS Act is made out as there is no accusation of financing illicit trafficking or harbouring the offenders. Hence, the embargo under Section 37 of the NDPS Act is not attracted.

Mr. J.N. Thakur, learned counsel for the State, does not controvert the quantity of recovery.

Considering the quantity of recovery between small and commercial quantity coupled with the statement made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, West Champaran at Bettiah in connection with Srinagar (Pujaha) P.S. Case No. 38 of 2016.

(Dinesh Kumar Singh, J)

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