

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22555 of 2016

Arising Out of PS.Case No. -543 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

=====

Amit Kumar Yadav son of Late Dilip Yadav, Resident of Mohalla- Naya
Tola Jurab Ganj, Police Station- Korha, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Gopesh Kumar (App)

=====

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

ORAL ORDER

02/ 20-05-2016

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
15.09.2015 in a case registered for the offences punishable under
Sections 414/34 of the Indian Penal Code and Sections 20, 22, 23,
24, 27A & 29 of the NDPS Act.

The prosecution case is that during Assembly
Elections vehicle check was going on and from the possession of
the petitioner 400 grams of Charas like material was recovered.

It is submitted by learned counsel for the
petitioner that the petitioner that only on suspicion the accusation
has been levelled and the recovery is between the small and
commercial quantity. Though, the petitioner is accused in two

other cases but he is on bail in those cases but none of the cases are under the NDPS Act. The investigation has already concluded. It is further submitted that though the case has also been registered under Sections 24 and 27A of the NDPS Act wherein in view of the provisions under Section 37 of the NDPS Act the accused is not entitled for release on bail, unless the Court is satisfied that there are reasonable ground for believing that he is not guilty of the offence alleged and is not likely to commit any offence while on bail. It is further submitted that even assuming the accusation no offences under Sections 24 and 27A NDPS Act are made out as 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. Moreover, Section 27A of the NDPS Act stipulates punishment for financing

illicit traffic and harbouring offenders, hence, no offence under Section 27A of the NDPS Act is out.

Learned APP submits that after going through the FIR, prima facie, does not appear that the offences under Sections 24 and 27A of the NDPS Act are made out against the petitioner.

Considering the quantity of recovery between small and commercial quantity and investigation has already concluded, 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 3rd Additional Sessions Judge, West Champaran at Bettiah in connection with Bettiah Muffasil P.S. Case No. 543 of 2015.

The learned court below will be at liberty to cancel the bail bonds of the petitioner in two eventualities i.e. if he defaults for two consecutive occasions or substantially gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--