

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40098 of 2016

Arising Out of PS.Case No. -151 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

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Enamul Haque , son of Aayas Seikh resident of Sariyattola P.O. Kistapur
Police Station Baishnab Nagar, District Malda (West Bengal)

.... Petitioner/s

Versus

1. The State of Bihar
2. Brijesh Yadav, son of not known resident of B.S.F. Camp Kishanganj
Commandant 109 Bn, B.S.F. P.S. and District Kishanganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. Ram Anurag Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 19-12-2016 Heard Sri Dilip Kumar Singh, learned counsel for the

petitioner and Sri Ram Anurag Singh, learned Central Government

Counsel.

The sole petitioner, who is in custody since 30.4.2016
in Special Case No. 04 of 2016 arising out of Kishanganj P.S.
Case No. 151 of 2016 registered for the offence under Section 21,
22 and 23 of the Narcotic Drugs And Psychotropic Substances Act
has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that from the F.I.R. it is evident that two persons i.e. petitioner
and one Safiqul Islam were arrested from whose possession it was
shown recovery of opium of approximately 2.1 Kilogram. He
submits that it has not been specifically indicated in the seizure



memo as to what quantity was recovered from which of the accused persons. It has also been argued that F.I.R. was lodged one day after apprehension. On aforesaid grounds a prayer has been made for grant of bail.

In this case earlier case diary including the FSL report was called for.

Learned Central Government Counsel submits that FSL report corroborates the allegation. Besides this, other witnesses have also supported the prosecution case.

Keeping in view seriousness of the accusation, there is no reason to grant bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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