

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37183 of 2016

Arising Out of PS.Case No. -269 Year- 2015 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Wakil Mohammad, S/o Mehadi Hassan, resident of village- Banipara,
Police Station- Ruda, District- Kanpur (U.P.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 06-09-2016 Heard learned counsel for the petitioner and the
State.

Petitioner is languishing in custody since 16.11.2015 in a case registered for the offences punishable under Sections 20, 22, 23, 24 of the Narcotics Drugs and Psychotropic Substances Act.

The prosecution case is that the informant being the Assistant Commandant in C-Company of 13th Battalion of Seema Sahastra Bal, on 15.11.2015 he received confidential information that one person is carrying charas from Nepal to India. Consequently, raid was laid, one person was seen handing over a bag to two persons, they were apprehended and disclosed their names as Sudarshan Prasad Yadav, Wakil Mohammad and Pratima Devi, it was Sudarshan Prasad Yadav, who brought the bag and handed

over it to the petitioner Wakil Mohammad and Pratima Devi. Consequently, the seizure was made of eight packets of charas total weighting 4.00 K.g along with mobile phones.

It is submitted by the learned counsel for the petitioner that petitioner was intercepted at 9.10 A.M. on 15.11.2015, but the seizure was prepared at 8.30 A.M. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent. Even assuming the accusation no case under Section 24 of the Narcotics Drugs and Psychotropic Substances Act is made out against the petitioner.

It is submitted by Mr. Akhileshwar Dayal, learned counsel for the State that seizure has been made from all the three accused persons, the seizure is of commercial quantity.

Considering the commercial quantity of recovery and in view of the 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 this N.D.P.S. Case No. 60 of 2015, pending in the court of learned Sessions Judge-cum-Special Judge, N.D.P.S., East Champaran, Motihari.

Accordingly, the bail application is dismissed.

Let, the trial be expedited.

If the trial is not concluded within a period of one

year, the petitioner will be at liberty to renew his prayer for bail.

(Dinesh Kumar Singh, J)

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