

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53807 of 2015

Arising Out of PS.Case No. -104 Year- 2009 Thana -GOPALPUR District-
WESTCHAMPARAN(BETTIAH)

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Amullah Mian @ Amtullah Mian, Son of Abul Hassan, Resident of Village-
Balthar,P.S.- Balthar, 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. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

14 30-11-2016 Heard Sri Bimlesh Kumar Pandey , learned counsel for

the petitioner and Sri Ashok Kumar , learned Additional Public

Prosecutor.

The petitioner who is in custody since 22.6.2015 has
prayed for grant of bail in Gopalpur P.S. Case No. 104 of 2009 ,
Tr. No. 39 of 2013 registered for the offence under Section 20,
22 of the Narcotic Drugs and Psychotropic Substances Act.

Short fact of the case is that after being intercepted by
the Police party two persons, who were moving on a motorcycle,
threw the motorcycle and fled away. From the said motorcycle
about 35 kilograms of charas as well as 250 grams of ganja was
recovered . During investigation it was found that the motorcycle
from which recovery was affected i.e. Rajdoot motorcycle was



lying in the name of one Vijay Kumar Tiwari. Investigation further disclosed that the said motorcycle was sold about seven years back to this petitioner i.e. Amullah Mian @ Amtullah Mian through affidavit . After investigation charge sheet was submitted against the petitioner showing him as absconder. In the meanwhile some petitions were filed before the senior police officers for re-opening the case and thereafter the case was re-opened under Section 173 (8) of the Cr.P.C. A plea was taken that Police was trying to protect the actual owner of the vehicle i.e. Vijay Kumar Tiwary. Subsequently permission was granted by the court below for further investigation . Thereafter, due to one reason or other investigation was not conducted. However this fact had come to the notice that subsequently earlier supervising officer died. In the meanwhile, while hearing the present petition this court had passed different orders. Even the Superintendent Of Police was directed to fix responsibility as to under what circumstances delay had occurred. The concerned Superintendent Of Police was also directed to file affidavit particularly on the point to verify the signature of the petitioner on the insurance paper.

On perusal of entire case diary it is evident that during investigation it has come that about seven years back prior to the



alleged occurrence the said motorcycle was sold to the petitioner by Sri Vijay Kumar Tiwary. During investigation number of witnesses have said that the said motorcycle was being used by the petitioner for the purposes of trafficking charas and ganja . However, in compliance with the order of this court Superintendent Of Police has filed an affidavit and indicated that the said motorcycle at the relevant time was insured in the name of this petitioner. In this case, case diary relating to further investigation has also been brought on record. After going through the same the Court is satisfied that there is specific accusation against the petitioner. Keeping in view the fact that it was a case of recovery of about 35 kilograms of charas there is no point to extend the privilege of bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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