

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Criminal Miscellaneous No. 35563 of 2016

Arising Out of PS.Case No. -22 Year- 2016 Thana -BARHAT District- JAMUI

Shrawan Barnwal, son of Late Naresh Barnwal, resident of Village- Barhat,  
P.S. Barhat, District- Jamui.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

with

Criminal Miscellaneous No. 33226 of 2016

Arising Out of PS.Case No. -22 Year- 2016 Thana -BARHAT District- JAMUI

Arbind Rana Son of Late Bhola Rana Resident of Village- Gurmaha, P.S.  
Barhat, District-Jamui

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

Appearance :

(In Cr.Misc. No.35563 of 2016)

For the Petitioner/s : Mr. Ashok Kr. Choudhary  
Mr. Manoranjan Kumar

For the Opposite Party/s : Smt. Meena Singh

(In Cr.Misc. No.33226 of 2016)

For the Petitioner/s : Mr. Ashok Kr. Choudhary  
Mr. Manoranjan Kumar

For the Opposite Party/s : Smt. Meena Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR  
ORAL ORDER

5. 23-11-2016 Heard Sri Ashok Kumar Chaudhary, learned counsel,  
who was assisted by Sri Manoranjan Kumar, learned counsel for  
petitioners in both the cases and learned Addl. Public Prosecutor.

In both the cases, petitioners are in custody in  
N.D.P.S. Case No. 02 of 2016, arising out of Barhat P.S. Case No.

22 of 2016, and as such, both the petitions were taken up together.

Petitioners are in custody on an accusation of committing offences under Sections 414, 468, 471 of the Indian Penal Code, Section 47(A) of the Bihar Excise (Amendment) Act, 2016, u/r 2(E)/3/5(A)/5(B)/18 of Bihar Mahua Flower Rules, 2006, Sections 16, 17, 18, 19, 20 of Unlawful Activities (Prevention) Act, 1967 as well as Sections 15, 17, 18, 27 & 27(A) of the Narcotic Drugs & Psychotropic Substances Act, 1985. As per F.I.R., it appears that a secret information was received that a tractor loaded with contraband was likely to move and thereafter, a raiding team was prepared. In the raiding team, one Magistrate was also made a member. Subsequently, a tractor was noticed. While the raiding team reached there, accused persons started fleeing away, thereafter, three persons were arrested, amongst them both the petitioners were there. On search, from possession of the petitioner (Shrawan Barnwal) in 1<sup>st</sup> case i.e. Cr. Misc. No. 35563/2016, about 400 gm. of opium was recovered and from another accused namely Naresh Paul, about 1 kg. of opium besides other materials were recovered. From petitioner (Shrawan Barnwal), besides opium, huge cash amount was also recovered. The petitioner (Arbind Rana) in 2<sup>nd</sup> case i.e. Cr. Misc. No. 33226/2016 was the driver of the tractor. Even from the tractor,

huge quantity of contraband were recovered and thereafter, they were arrested.

It has been pleaded by learned counsel for the petitioner(s) that in the F.I.R., it was alleged that recovery was like opium (*Afim Jaisa*), there was no definite finding. On this very ground, a prayer has been made for enlarging the petitioners on bail.

Besides hearing, I have also perused the materials available on record, particularly the F.I.R. and the fact disclosed in the F.I.R. clearly indicates that they were involved in trafficking of narcotic substances and as such, keeping in view the restriction imposed under Section 37 of the NDPS Act, it would be difficult for this Court to record any favourable order.

Both the petitions are dismissed.

**(Rakesh Kumar, J.)**

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