

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 32205 of 2016

Arising out of P.S. Case No. - 104 Year - 2015 Thana - PALANWA District - EASTCHAMPARAN (MOTIHARI)

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Rais Aalam, S/o Shaikh Nizamuddin, resident of Mohalla - C.D Park,
Jahangirpuri, P.S.- Jahangirpuri, Delhi Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Shri Prakash Tiwari, Advocate

For the Opposite Party : Mr. Ramesh Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 27-10-2016

Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since
17.11.2015 in a case registered for the offences punishable under
Sections 20(b), 22, 23 and 24 of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

Prosecution case is that on 16.11.2015 the informant
Ram Narayan Ram, ASI of Bhelahi O.P. got secret information
regarding movement of two persons from Nepal side for the
purpose of smuggling Nepali Ganja. The informant constituted a
raiding team and reached near the railway station when seeing the
police party two persons started fleeing away but they caught by
the police. On query they disclosed their names as accused Munna
Khan and Rais Alam, the petitioner. From the possession of the
co-accused 1.5 Kgs of Ganja were recovered and from the

possession of the petitioner 3 Kgs of Ganja were recovered.

It is submitted by learned counsel for the petitioner that maliciously the petitioner has been roped in the present case. Moreover, recovery is between small and commercial quantity. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent. It is further submitted that the present case does not come within the purview of Section 24 of the NDPS Act as Section 24 of the NDPS Act deals with the punishment for external dealings in narcotic drugs and psychotropic substances in contravention of Section 12 of the Act and in the present case there is nothing on record that the petitioner was carrying Ganja from outside the country.

Learned counsel for the A.P.P. does not controvert the contention of the petitioner that accusation does not suggest an offence under Section 24 of NDPS Act and submits that the investigation has already concluded.

Considering the quantity of recovery between small and commercial quantity, the investigation being concluded coupled with the statement in paragraph 3 of the petition that the petitioner has no criminal history, let the above named petitioner, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the

learned 3rd Additional Sessions Judge-cum-Special Judge,
Motihari in connection with N.D.P.S. Case No. 61 of 2015 arising
out of Palanwa (Bhelahi O.P.) P.S. Case No. 104 of 2015.

The learned court below will be at liberty to cancel
the bail bonds of the petitioner if he defaults for three consecutive
occasions or get involved in similar nature of offence.

(Dinesh Kumar Singh, J.)

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