

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3489 of 2017**

Arising Out of PS.Case No. -175 Year- 2016 Thana -RAXAUL District-  
EASTCHAMPARAN(MOTIHARI)

=====

Ram Sagar Choudhary S/o Pardeshi Das, R/v Supauli, P.O. Pokhariya, P.S.  
Shedwa, Distt. Parsa (Nepal)

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Verma

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN**  
**SHARMA**  
**ORAL ORDER**

3      03-04-2017                      Heard learned counsel for the petitioner and learned  
A.P.P. representing the State.

The petitioner seeks bail in connection with N.D.P.S.  
Case No. 47/16 arising out of Raxaul P.S. Case No. 175 of 2016  
registered for the offences punishable under Sections 20, 22, 23  
and 24 of N.D.P.S. Act.

Allegedly, 10 Gram heroin and 82 Gram opium  
powder were recovered from possession of the petitioner and,  
accordingly, the petitioner was arrested and memo and seizure list  
was prepared.

Submission is of false implication and that mandatory  
provision of N.D.P.S. Act has not been complied with and search  
was made in gross violation of Section 50 of the N.D.P.S. Act.



Chargesheet has already been submitted on 31.01.2017. The petitioner is in custody since 16.08.2016 and, as such, the petitioner deserves sympathetic consideration.

The learned APP opposes the prayer of bail by submitting that from possession of the petitioner the alleged recovery has been made. The petitioner was given option either to be searched by gazetted officer or by the informant then he gave his consent to search by the informant then the search was made.

In the facts and circumstances stated above, considering the alleged recovery, at present I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with N.D.P.S. Case No. 47/16 arising out of Raxaul P.S. Case No. 175 of 2016 pending in the Court of S.D.J.M. Raxaul at Motihari (East Champaran).

**(Jitendra Mohan Sharma, J)**

sushma/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

