

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15623 of 2017

Arising Out of PS.Case No. -385 Year- 2016 Thana -ARA NAWADA District- BHOJPUR

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Md. Jawed, S/o Md. Reyaz, R/o Village- C.K. Road, Chaudhriyana P.S.-
Ara Town, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr. Advocate
Mrs. Rina Sinha, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

04/ 20-12-2017

Heard learned counsels for the petitioner and

learned APP for the State.

The petitioner has renewed the prayer for bail
in a case registered for the offences punishable under Sections 8,
21(c) and 29 of the NDPS Act.

The prosecution case is that co-accused
Krishna Kumar alias Amrendra was apprehended with 500 grams
of Heroin/brown sugar. The apprehended accused disclosed the
name of this petitioner and another co-accused Md. Riyaz being
his accomplice in the illegal trade of Heroin/brown sugar.
Thereafter, the house of the petitioner and his father Md. Riyaz
was raided and about 979 grams of Heroin/brown sugar were



recovered.

It is submitted by learned counsel for the petitioner that the house is recorded in the revenue records in the name of father Md. Reyaz, moreover, the seizure list suggests that the recovery has been made from the room of the father of the petitioner, hence, the recovery cannot be treated from the possession of the petitioner. The father of the petitioner has admitted that he used to indulge in the trade of Heroin/brown sugar with co-accused Krishna alias Amrendra. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The petitioner is languishing in custody since 28.05.2016.

Though, the FSL report suggests that two seizures were made, one from co-accused Krishna alias Amrendra and another from the house of the petitioner and his father, which were found to be morphine and codine and considering the commercial quantity of recovery, earlier the prayer for bail of the petitioner was rejected and trial was directed to be expedited.

The report of Superintendent of Police, Bhojpur, Ara dated 04.12.2017 at Flag 'B' reflects that out of 10 witnesses, three have been examined.

Mr. J.N. Thakur, learned APP after going



through the case diary submits that the recovery has been made from the room of the father of the petitioner and from the petitioner only a mobile was recovered and it has not been controverted that the petitioner is not having any criminal antecedent.

Considering the fact that the recovery has not been made from the possession of the petitioner and there is no likelihood of trial being concluded in near future, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhojpur at Ara in connection with N.D.P.S. Case No. 10 of 2016 arising out of Ara Nawada P.S. Case No. 385 of 2016.

The learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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