

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19415 of 2017

Arising Out of PS.Case No. -189 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Umesh Sah, Son of Late Lattu Sah, Resident of Village- Allau, P.S.-
Birganj, District- Parasa, (Nepal).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-06-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in custody since 01.09.2016

in connection with N.D.P.S. Case No. 51/16, arising out of Raxaul

P.S. Case No. 189/16 for the offences alleged under Sections 20,

22, 23, 24 of the N.D.P.S. Act.

The prosecution case is that the police party on

confidential information found the petitioner carrying 6.2 Kg of

Charas near the Indo-Nepal border. Accordingly, a seizure-list was

prepared.

It has been submitted by the learned counsel for the

petitioner that he is innocent, is a labourer of co-accused Manoj

Prasad and on the order of the owner of the motorcycle and Manoj



Prasad he was carrying the said bag and had no knowledge of the articles kept in the bag. It is submitted that the petitioner has no criminal antecedent and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner was caught red-handed.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the petitioner privilege of bail in connection with N.D.P.S. Case No. 51/16, arising out of Raxaul P.S. Case No. 189/16, pending in the court of learned 7th Addl. Sessions Judge, East Champaran at Motihari.

Application is, accordingly, rejected. However it is expected that the trial will be concluded within a year.

(Nilu Agrawal, J)

Rajesh/-

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