

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33436 of 2017

Arising Out of PS.Case No. -270 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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1. Shyam Bihari Sah Son of Ramadhar Sah, R/o Village- Naga Road
Raxaul, P.S.- Raxaul, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through the Commandant, S.S.B. Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra
For the State : Mr. Mukeshwar Dayal
For the Union of India : Mrs. Shail Kumari (CGC)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 15-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
26.11.2016 in connection with NDPS Case No. 76/2016, arising
out of Raxaul P.S. Case No. 270/2016, G.R. Case No. 938/2016
for offences punishable under Sections 20, 22, 23, 24 of the
N.D.P.S. Act.

The prosecution case, as lodged by the SSB Coy
Commander, is that on secret information two persons including
the petitioner were found near Indo-Nepal border going towards
Nepal. On search, from the possession of the petitioner 75 gms



of opium was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and though the opium recovered was little more than the minimum quantity, he has been languishing in custody for nearly a year and charge-sheet has been submitted only on 19.05.2017 keeping the investigation pending. He submits that the seizure-list so prepared is not in compliance with Section 50 of the NDPS Act and Section 100 of the Cr.P.C.

However, learned counsel for the Union of India and learned APP for the State oppose the prayer for bail stating therein that the petitioner was caught red-handed along with seized narcotic substance.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of one year in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/ Special Judge, East Champaran, Motihari, in connection with NDPS Case No. 76/2016, arising out of Raxaul P.S. Case No.



270/2016, G.R. Case No. 938/2016, subject to the condition that both the bailors would be close relatives of the petitioner.

(Nilu Agrawal, J)

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