

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41358 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -FORBESGANJ District- ARRARIA

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Md. Inamul Haque S/o Late Abdul Hussain Resident of village - Koili,
P.O. Balbhadrapur, P.S. Birpur, District - Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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With
Criminal Miscellaneous No.43984 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -FORBESGANJ District- ARRARIA

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Anwar Alam Son of Hazi Nazir Hussain Resident of Village - Lalpur Got,
P.S. - Birpur, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.41358 of 2016)

For the Petitioner/s : Mr. Anita Kumari

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

(In Cr.Misc. No.43984 of 2016)

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 01.03.2017

Heard learned counsels for the petitioners

and the State.

The petitioners have renewed the prayer for
bail in a case registered for the offences punishable under Sections
20 and 22 of the NDPS Act.



The prosecution case is that two persons were travelling on a Pulsar motorcycle when the informant gave signal to stop then they started fleeing away after leaving the motorcycle. On chase, they were intercepted and from the motorcycle two packets of double tiger brand heroin weighing one pound each were recovered.

It is submitted by learned counsels for the petitioners that the recovery has not been made from the possession of the petitioners. The motorcycle is not registered in the name of the petitioners and they were not aware about the contraband being kept in the motorcycle.

Earlier the prayer for bail of the petitioners was rejected considering the commercial quantity of recovery vide Cr. Misc. Nos. 17069 of 2016 and 26463 of 2016. Now the prayer has been renewed on the basis of the FSL report as contained in Annexure-3 in both the applications, which suggests that one of the sample contains 'Fenvalerate' an insecticide while the other sample contain 'Salicylic Acid' which is commonly known as Asprin used in medical purpose.

Considering the fact that the seized article, in view of the FSL report contained in Anneuxre-3 has not been found to be heroin and statements have been made in paragraph 3



of both the applications that the petitioners have no criminal antecedent, let the above named petitioners, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge –cum- Special Judge, Araria in connection with Forbesganj P.S. Case No. 72 of 2016.

It is expected from the learned court below to get verified the authenticity of the FSL report as contained in Annexure-3 before release of the petitioners.

(Dinesh Kumar Singh, J)

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