

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26625 of 2017

Arising Out of PS.Case No. -718 Year- 2016 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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Asalam @ Asalam Mian, son of Khairati Mian, resident of Village-
Nakadeya Suji Siyamal, P.S.- Nakadeya Eas Chanolja, Dist- Motihari.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :Mr. Akhileshwar Prasad Singh, Sr. Advocate
Mr. Sunil Kumar, Advocate

For the Opposite Party/s :Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 28-07-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
20.04.2017 in connection with Bettiah Town P.S. Case No. 718 of
2016 pending in the Court of learned Chief Judicial Magistrate,
West Champaran at Bettiah registered for the offence punishable
under Sections 20, 23, 25, 27(A) and 29 of the N.D.P.S. Act.

The prosecution case is that the police personnel on a
secret tip-off raided the house of one Md. Saheb and from his
possession 200 grams of smack was recovered, who disclosed that
the petitioner was the supplier from Raxaul.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. In fact, nothing has been recovered from his conscious possession and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State submits that the petitioner is involved in eight cases, out of which six cases are of similar nature lodged since 1994, hence, vehemently opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly, rejected.

However, petitioner may renew his prayer for bail after six months, if his trial is not concluded by that time.

(Nilu Agrawal, J.)

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