

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25168 of 2017

Arising Out of PS.Case No. -29 Year- 2017 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Saheb Alam, S/o Jahur Mian, resident of Village- Inarwa, Tola Larha, P.O.-
Auraya, P.s.- Adapur, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 24-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
21.02.2017 in connection with N.D.P.S. Case No. 16 of 2017,
arising out of Adapur P.S. Case No. 29 of 2017, G.R. Case No.
134 of 2017 registered for the offences punishable under Sections
27(b)(II) of the Drugs and Cosmetics Act and Section 21(C) of
the N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel, is that they apprehended the petitioner carrying 300
injections of phenergan, Diajapan and Noophin, 100 pieces each
kept in a plastic bag while coming to India from Nepal for which



petitioner did not give any satisfactory reply. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that no case under the N.D.P.S. Act is made out as the injections alleged to be seized comes under the Drugs and Cosmetics Act and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He further submits that he is innocent, bears no criminal history and nothing has been recovered from his conscious possession.

However, learned A.P.P. for the State submits that the drugs seized were of commercial quantity for which no satisfactory reply was given, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/ Special Judge, East Champaran at Motihari in connection with N.D.P.S. Case No. 16 of 2017, arising out of Adapur P.S. Case No. 29 of 2017, G.R. Case No. 134 of 2017, subject to the condition that one of the bailors would be a



close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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