

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28927 of 2017

Arising Out of PS.Case No. -24 Year- 2017 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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1. ANIL KUMAR@ANIL Son of Kanchhid, Resident of Village- House
No.205, Court Goan Part-2, Police Station- Kotwali, Tehsil-Ghaziabad,
District- Ghaziabad.

.... Petitioner/s

Versus

1. The Union of India through Narcotics Department
2. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon
For the UOI : Mr. Ravinder Kr. Sharma, CGC
For the State : Mr. Chandrasen Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

9 03-10-2017 Heard learned counsel for the petitioner, learned
counsel for the Union of India and learned APP for the State.

Petitioner seeks bail in connection with NDPS Case
No. 14 of 2017, arising out of Raxaul P.S. Case No. 24/2017 for
offences punishable under Sections 20, 22, 23, 24 of the NDPS
Act.

The prosecution case, as lodged by the SSB officials is
that the petitioner along with another co-accused was apprehended
and 1.470 gms of Charas 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 he is a



student, who lives in Gaziabad and had gone to Nepal and while returning he has been arrested by the police without any reason. He submits that there is non-compliance of Section 100 of the Cr.P.C. as the seizure-list does not contain the signature of the petitioner nor the time when such incident took place. He further submits that although the police station is 1½ kilometer from the place of occurrence still there is delay of one day in lodging of the First Information Report and no plausible explanation has been given. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the Union of India submits that the contraband item was sent for testing to the Forensic Science Laboratory and it has been found to be 'Charas'. He submits that the bail application of another co-accused on similar allegation has been rejected by this Court.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with NDPS Case No. 14 of 2017, arising out of Raxaul P.S. Case No. 24/2017, pending in



the court of learned Sessions Judge/ Special Judge, East Champaran, Motihari.

Application is, accordingly, rejected. However, learned court below is directed to expedite the trial.

(Nilu Agrawal, J)

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