

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39111 of 2017

Arising Out of PS.Case No. -302 Year- 2017 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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1. Pappu Kumar Son of Bholu Sah, Resident of Mohalla-Naurangabad, P.S.-
Bettiah Town, District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-11-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Bettiah Town P.S. Case No. 302
of 2017 instituted for the offence under Sections-20, 23, 25, 27-A, 29 of
the Narcotic Drugs and the Psychotropic Substances Act, 1985 and
30(a) of Bihar Prohibition and Excise Act, 2016.

There is allegation in the written report that 10 gms. of
smacks was recovered from possession of this petitioner.

It has been submitted that the aforesaid quantity is much
below the commercial quantity. It has further been submitted that
during search and seizure, the provision of Section-50(1) of the Act was
not properly complied. In paragraph-3 of the petition, it has been
mentioned that the petitioner has no criminal antecedent. It is stated that
the petitioner is in custody since 02-05-2017.

From the impugned order of the learned Sessions Judge, it



appears that FSL report is not available.

From the case diary, it appears that charge sheet has been submitted by the police against the petitioner and other accused persons after completion of investigation but there is no mention in the entire case diary that any FSL was received with regard to the seized item.

In such circumstances, the prayer for bail of the petitioner is allowed. The petitioner named above is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Bettiah Town P.S. Case No. 302 of 2017 to the satisfaction of Additional District & Sessions Judge-VI-cum-Special Judge, Excise, West Champaran, Bettiah subject to condition that both the bailors should be close relatives of the petitioner. The petitioner will cooperate in the trial and will remain physically present on each and every date. The absence of the petitioner for two consecutive dates will result into cancellation of bail bonds of the petitioner.

(Sanjay Priya, J)

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