

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56488 of 2017

Arising Out of PS.Case No. -2162 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District -
EASTCHAMPARAN(MOTIHARI)

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1. Govinda Magar son of Late Madan Magar resident of village - Rajav Ali Lane, P.S. Ikbalpur, District - Kolkata.

.... Petitioner/s

Versus

1. Union of India through Inspector General, S.S.B., Frontier Head Quarter, Patna.
2. 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. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 16-01-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 20, 23 and 24 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Four persons including the petitioner all resident of State of West Bengal were apprehended by the Custom Authority near Raxaul Border going on a Tonga. From possession of the accused persons twenty kilogram of Charas was recovered.

Submission of the learned counsel for the petitioner is that the recovery was from the physical possession of other three persons and not from possession of the petitioner. Petitioner was apprehended on suspicion merely. Petitioner is in



custody since 29.08.2017 and has got no criminal antecedent.

Learned counsel for the Union of India opposed the prayer for bail on the ground that all the accused are resident of almost same place and all were jointly travelling and apprehended from a place out side the State of West Bengal at Raxaul Border. Hence, it is not necessary that recovery should be from the pocket of each of the accused. They all in collusion were carrying the said narcotics.

Considering the aforesaid material, I am not inclined to enlarge the petitioner on bail in connection with N.D.P.S. Case No. 70 of 2017 arising out of Official Complaint No. VIII(10)27/Cus/Seiz/NDPS/RXL/17/2162 pending in the court of learned Sessions Judge/Special Judge, Motihari, East Champaran.

Hence, prayer for bail is refused.

(Birendra Kumar, J)

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