

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13613 of 2018

Arising Out of PS. Case No.-69 Year-2017 Thana- KOCHADHAMAN District- Kishanganj

Rafique Alam, S/o Md. Kayas, Resident of Village- Haldawan, P.S.- Dighal Bank, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 15393 of 2018

Arising Out of PS. Case No.-69 Year-2017 Thana- KOCHADHAMAN District- Kishanganj

Abul Kalam Azad @ Abdul Kalam Azad, son of Minaul Haque, resident of village- Bahamun Tola, P.S.- Kaliachak, District- Malda (WB).

... .. Petitioner/s

Versus

1. The Union Of India Through The Narcotics Control Bureau, Patna.

2. The State of Bihar.

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 13613 of 2018)

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Sri Rajeev Nayan

(In Criminal Miscellaneous No. 15393 of 2018)

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mrs. Shail Kumari, CGC

Mr.Sanjay Kumar Tiwary , APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

4 21-06-2018 As both the cases are arising of same police case, hence they are being disposed of by this common order.

Heard learned counsels for the petitioner and the State.

The petitioners, already in custody, seek bail in connection with Special Case No. 04 of 2017 arising out of Kochadhaman P.S.Case No. 69 of 2017 registered under Sections 20,21,22,and 23 of the N.D.P.S.Act.



Allegation in brief is that four accused persons were found carrying Opium, each one carrying 1.1 Kg and apprehended by the Sima Suraksha Bal.

Submission is that procedure of seizure and collection of sample has not been followed in this case and after few days delay, the sample was sent for F.S.L. examination. Learned counsel submits that only one witness remained to be examined and petitioner has been in custody for one year.

However, learned counsel for the State submits that there is seizure of opium from possession of the these petitioners, which is commercial quantity and three witnesses have been examined.

Having considered the aforesaid facts and circumstances, presently the prayer of bail of the petitioners is rejected.

Trial court is directed to expedite the trial on day-to-day basis and conclude the same preferably within six months. Let a copy of the order be sent to the Superintendent of Police, Kishanganj for production of witnesses before the trial court.

(Arun Kumar, J)

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