

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41436 of 2018

Arising Out of PS,Case No. -334 Year- 2017 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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Sujaid Ali, Son of Haffizullah Ali, resident of village – Tamkoi Raj, P.S.-
Tari Sujan, District-Kushinagar (U.P.)

.... Petitioner/s

Versus

1. State of Bihar.
2. Union of India

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Prabhat Kumar
For UOI : Mr. Anshuman singh, CGC.
For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016 and Sections 20, 22 and 24 of the NDPS
Act.

42.48 litres of foreign liquor and 500 grams of
Charas are said to have been recovered from Scorpio vehicle and
six persons including the petitioner sitting in the said car were
apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no concern
either with the seized articles or with the vehicle in question. He



happens to be simple commuter of the said car and was travelling from Kushinagar to East Champaran by taking lift in the said car without any knowledge of keeping of the aforesaid article in the said car. His signature was obtained by the police forcibly on some blank papers. The alleged recovery of charas is below the commercial quantity. There is no compliance of Section 100 Cr.P.C. and Section 42 N.D.P.S. Act. The petitioner has no criminal antecedent. He has been languishing in custody since 15.12.2017. Chargesheet in the case has already been submitted. Similarly situated co-accused, namely, Upendra Kumar has been enlarged on bail by a co-ordinate bench of this court vide order dated 04.05.2018 passed in Cr. Misc. No. 27645 of 2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with NDPS Case No. 94 of 2017 arising out of Chakia P.S. Case No. 334 of 2017 corresponding to G.R. Case No. 7738 of 2017.

(Prakash Chandra Jaiswal, J)

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