

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29788 of 2019

Arising Out of PS. Case No.-55 Year-2019 Thana- RAXAUL District- East Champaran

RAM NARAYAN PRASAD Son of Late Pashupati Sah @ Papat Sah @
Pashpat Sah Resident of Mohalla- Raxaul, Ward No. 12, P.O. and P.S.-
Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-05-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Raxaul P. S. Case No. 55
of 2019 instituted for the offence under Section(s) 21©, 27(b)
of the N.D.P.S. Act.

A supplementary affidavit has been filed on behalf of
the petitioner which is taken on record.

Learned counsel for petitioner submits that S.S.B
personal has no jurisdiction to lodge any case against the
individual under the NDPS Act.He further submits that there is
no recovery of any incriminating article from possession of this
petitioner. It is mentioned in the seizure list which is part of the
FIR that articles alleged in the written report were produced by



the informant himself before the police.

In the supplementary affidavit, learned counsel has mentioned that petitioner was having license for running the shop. There is no compliance of provisions as contained in Section 50 of the N.D.P.S. Act.

In the written report, it is alleged that on confidential information that some cartoons containing narcotic substance are likely to be delivered in the shop of the petitioner, the informant, who is SSB personnel, reached at the shop of the petitioner and found one person came and kept a cartoon on the shop of the petitioner, where two persons were present from before besides the shop-keeper. It is further alleged that on seeing the informant and other police force, the person who brought the cartoon succeeded in running away after leaving the cartoon. It is alleged that cartoon contained different drugs as mentioned in the written report.

Petitioner is in custody since 17.2.2019 having no criminal antecedent.

Considering the aforesaid, let the petitioner, above named, be released 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 CJM Raxaul, Motihari in



connection with Raxaul P. S. Case No. 55 of 2019 subject to the
condition that both the bailors shall be the close relative of the
petitioner.

(Sanjay Priya, J)

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