

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17091 of 2020**

Arising Out of PS. Case No.-5 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

=====

Jeewan Kumar Bomjan @ Anil Son of Panch Singh Bomjan Resident of
Village - Ghurkauli (Harion), Ward No.- 02 (New Ward 05), P.S. - Harion,
Dist. - Sarlahi (Nepal).

... .. Petitioner/s

Versus

1. The Union Of India through S.S.B.
2. Narcotics Control Bureau, Patna - 25

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr.Mazharul Hassan
For the Opposite Party/s :	M/s S.D. Sanjay (A.S.G) Shail Kumari

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 15-06-2020 Heard Mr. Mazharul Hassan, learned counsel

appearing for the petitioner as well as Mr. S.D. Sanjay, learned

A.S.G. for the Union of India and assisted by Ms. Shail Kumari

through video conferencing.

Petitioner seeks bail in connection with 51st BN, SSB,
Sitamarhi – II, Case No. C2-05 of 2019 registered for the
offences punishable under Sections of the 8, 20 and 23 of
Narcotic Drugs and Psychotropic Substances Act, 1985.

More than 10 Kg. Charas is said to have been
recovered from the possession of the petitioner.

Learned counsel appearing for petitioner submits that
there is contradiction in timing of so called recovery, which is



evident from perusal of seizure list as well as first information report. He, further, submits that nothing has been recovered from conscious possession of the petitioner and, as a matter of fact, the petitioner was caught under the jurisdiction of Nepal and, subsequently, he was brought to jurisdiction of India and, thereafter, the present case was registered against him.

Learned counsel Mr. S.D.Sanjay appearing for Union of India opposed the prayer of bail on the ground of recovery made from possession of the petitioner and he also points out that the petitioner is citizen of Nepal and if he is released on bail, his appearance for trial cannot be procured. He, further, points out that Section 37 of the N.D.P.S. Act prohibits the court to grant bail unless certain conditions are fulfilled.

Considering the above stated facts as well as submissions of the parties and further taking note of the huge recovery of Charas from the possession of the petitioner, I am not inclined to release the petitioner on bail.

Accordingly, prayer for bail of the petitioner stands rejected.

(Hemant Kumar Srivastava, J)

Spd/-

U		T	
---	--	---	--

