

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22856 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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RABINDRA SAH Son of Late Laxman Sah Resident of Village-Pachrukhi,
P.S-Bagha, District-West Champaran.

... .. Petitioner/s

Versus

The Union of India through the Narcotics Control Bureau, Patna. .

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Chandra
For the Opposite Party/s : Mr.K.N. Singh (Adsg)

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 11-09-2020 Heard learned counsel for the parties.

The Petitioner seeks bail in connection with **NDPS**
Case No. 04 of 2020 arising out of NCB Patna Case No. 01 of
2010 registered for the offence punishable under Sections
20b(ii)c and 29 of the NDPS Act.

Allegation is of recovery of 3.90 kg of Charas from
the possession of petitioner.

It has been submitted on behalf of petitioner that since
a local market in Nepal is near the village of petitioner, the
petitioner on 08.01.2020 went to Nepal for purchasing some
household articles and when he was returning to India, the SSB
Personnel at the border intercepted him and started enquiring



him and demanded money from the petitioner to allow him to enter India with goods and when petitioner did not pay the money, he was assaulted by the SSB personnel. It is further submitted that when petitioner said to the SSB personnel that he will report this matter to their higher authority then he has been implicated in this false case. It is further submitted that from perusal of FIR it is manifest that the Assistant Commandant has nowhere recorded that upon recovery of the alleged contraband article the same was sealed by him or not rather he has only recorded that recovered contraband article was tested with the help of kit and weighed and kept in guard quarter. There is complete violation of Section 57 of Cr.P.C as petitioner was arrested on 08.01.2020 but after 36 hours i.e. on 10.01.2020, he was produced before the Special Court, NDPS Act, West Champaran. Petitioner has got no criminal antecedent and is in custody since 10.01.2020.

Considering the fact that there is allegation against petitioner is of recovery of 3.90 kgs of Charas which is a contraband article and more than commercial quantity, I am not inclined to enlarge the petitioner on bail.

Hence, the prayer for bail of the petitioner is hereby rejected.



However, the trial court is directed to expedite the trial of the petitioner.

(S. Kumar, J)

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