

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33261 of 2020

Arising Out of PS. Case No.-70 Year-2019 Thana- AMAUR District- Purnia

Md. Shamim Akhtar @ Md. Shamim @ Shamim Akhtar, aged about 36 years (M), son of late Abdul Rahman, resident of village Belka, Police Station Amour, District Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Senior Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-12-2020 Heard Mr. Krishna Prasad Singh, the learned Senior Counsel appearing on behalf of Md. Shamim Akhtar @ Md. Shamim @ Shamim Akhtar and Mr. Kalyan Shankar, the learned Additional P.P. through video conferencing.

The petitioner seeks bail in Amour P.S. Case No.70 of 2019, giving rise to Special (NDPS) Case No.15 of 2019, registered under Sections 8, 20(b) (c), 21(b) and 25 of the N.D.P.S. Act and under Sections 18(c) and 27(b) (ii) of the Drugs and Cosmetic Act.

S.H.O. of Amour P.S. on secret information raided the house of the petitioner, Md. Shamim and his two brothers, namely, Md. Rauf and Md. Nasim that the petitioner and his two brothers along with Karim @ Kariya were indulged in illicit



trade of liquor. During the course of raid in the house of the petitioner and his two brothers, three persons, namely, Neeraj Kumar Mandal, Shamsheer Ali and Umesh Mandal were apprehended. The apprehended accused disclosed that Md. Shamim, Md. Rauf and Md. Nasim @ Guddu, who are the owner of the house, and Md. Karim @ Kariya fled away. On search of the house, huge quantity of narcotic drugs and psychotropic substance were recovered. 22 Kgs. of Ganja was recovered from under the cot of the petitioner. 960 bottles of cough syrup besides other articles, such as, cash book, pass book, ATM Cards were also recovered. The apprehended accused further disclosed that with the help of all the four persons, they are dealing in Ganja. They further disclosed that from the house of Md. Umar and Md. Nasim, Ganja would be recovered and, on such, a raid was conducted. On their disclosure, from Maruti Swift car bearing Registration No.BR11AC 9973, 10 Kgs. and 500 Gms. Ganja was recovered. From Hyundai Verna bearing Registration No.WB06H 5401, 9 Kgs. and 400 Gms. of Ganja was recovered. From the house of Md. Umar, 24 Kgs. of Ganja besides 1280 bottles of cough syrup was recovered. From the house of Md. Nasim, 15 Kgs. and 500 Gms. of Ganja besides 640 bottles of cough syrup was



recovered. Md. Nasim was apprehended from his house.

Mr. Krishna Prasad Singh, the learned Senior Counsel for the petitioner submits that in the FIR, there is allegation that the petitioner along with his two brothers Nasim and Rauf with Kariya are indulged in dealing with Ganja and liquor. Nasim and Rauf from whose car 10 Kgs. 500 Gms. and 9 Kgs. 400 Gms. Ganja was recovered have already been granted bail, Md. Umar from whose house 24 Kgs. of Ganja was recovered has died, Md. Nasim has already been enlarged on bail and Md. Karim @ Kariya has also been granted bail by different Benches of this Court. It is submitted that the prayer for bail of the petitioner was earlier rejected vide order dated 04.02.2020, passed in Cr. Misc. No.68566 of 2019. The petitioner is in jail since 04.09.2019. The petitioner again moved this Court that the petitioner is in jail for more than one year and three months but all other accused from whose possession remaining 59 Kgs. of Ganja and more than thousand bottles of cough syrup were recovered have already been granted bail by different Benches of this Court.

The learned Additional P.P. opposed the prayer for bail, but it appears that of course from the house of the petitioner, 22 Kgs. of Ganja besides 960 bottles of cough syrup



was recovered but his two brothers, who are jointly residing in the same house and from their car 10.5 Kgs. and 9.4 Kgs. of Ganja was recovered, have already been granted bail, Md. Nasim from whose house also huge quantity of Ganja was recovered has already been granted bail by different Benches of this Court. The case of the petitioner stands on the same footing and the petitioner is in jail for more than one year and three months.

Considering the facts aforesaid, petitioner, namely, Md. Shamim Akhtar @ Md. Shamim @ Shamim Akhtar 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-cum-Special Judge, Purnea in connection with Amour P.S. Case No.70 of 2019, giving rise to Special (NDPS) Case No.15 of 2019, subject to the condition that one of the bailors shall be the family member, such as, wife or uncle of the petitioner.

The trial court is directed to hold the trial on day to day basis and conclude the same within six months.

The Superintendent of Police, Purnea is directed to ensure the attendance of the witnesses in the trial court so that the trial must be concluded within six months.



Let a copy of this order be sent to the trial court as well as the Superintendent of Police, Purnea for information and needful.

(Prabhat Kumar Jha, J)

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