

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13518 of 2021**

Arising Out of PS. Case No.-14 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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MAHMUD MIAN @ MAHMUD MIYA, Son of Late Idris Mian, Resident of
Village - Sarikia Tola, P.O.- Bhawra, P.S.- Balthar, District - West Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. The Union of India, Through Zonal Director, Narcotic Control Bureau,
Patna

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.

Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with NCB Case No. NCB/PZO/V/14/18, Tr. No. 42

of 2018 registered for the offence punishable under Section 8,
20, 23 and 29 of the Narcotic Drugs and Psychotropic

Substances Act, 1985 (in short ‘N.D.P.S. Act’).

As per the prosecution case, on 23.03.2018 at about

3.00 A.M. in the morning, the accused-petitioner along with

others with some items in plastic bags kept on their heads were coming from Nepal to India at a distance of 200 meters from Sarakiya Tola. After seeing the SSB personnel, all the accused persons started fleeing away. Thereafter, out of three, one person namely Mahmud Mian (petitioner) was intercepted and after search 9.5 Kgs. Charas in 73 packets were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence and has falsely been implicated in this case. Petitioner is in custody since 23.03.2018 having no criminal antecedent. It is further submitted that the seizure has been done in violation of the provisions of the N.D.P.S. Act.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein the quantity of 9.5 Kgs. Charas recovered from the possession of the petitioner is more than the commercial quantity, there are conditions under Section 37 of the N.D.P.S. Act with which the petitioner is unable to satisfy this Court at this stage, this Court is not inclined to release the petitioner on bail. The prayer for bail of the petitioner is, thus, refused.

Learned counsel for the petitioner submits that the

petitioner is in custody in connection with this case for last more than three and half years approximately.

In that view of the matter, this Court would direct the learned trial court to proceed with the trial and all endeavours be made to conclude the same within a period of one year from the date of start of normal functioning of the court. The prosecution must cooperate in early conclusion of trial.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.