

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13739 of 2022

Arising Out of PS. Case No.-660 Year-2021 Thana- FORBESGANJ District- Araria

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1. SHAIKH MOHAMMAD @ MD. MAHAMUD @ S.K. MOHAMMAD,
SON OF LATE MD. ABID R/O VILLAGE- RAMPUR UTTAR WARD
NO.-12, P.S.- FORBESGANJ, DISTRICT- ARARIA
 2. MD. INJAR SON OF SHAIKH MOHAMMAD @ MD. MAHAMUD @
S.K. MOHAMMAD, R/O VILLAGE- RAMPUR UTTAR WARD NO.-12,
P.S.- FORBESGANJ, DISTRICT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 20-07-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Special

Case No. 33 of 2021, arising out of Forbesganj P.S. Case

No. 660 of 2021, dated 26.08.2021, registered for the

offences punishable under Section 21(c) of the N.D.P.S. Act,



1985.

As per allegation, 34.5 litres of cough syrup containing codeine, which is commercial quantity, has been recovered from the house and the shop of the petitioners. Petitioners are the father and son.

The learned counsel for the petitioners submits that search and seizure of the alleged recovery is not as per the rules as provided in the N.D.P.S. Act. There is violation of the rules regarding entering into the house of the petitioners for search and seizure of Narcotics.

However, learned A.P.P. for the State vehemently opposes the prayer for bail on the ground that the alleged offence is very serious in nature, having severe repercussions for the society at large and the punishment prescribed for the alleged offence may extend to 20 years and the minimum sentence is of 10 years. He further submits that there is sufficient material in the case diary connecting the petitioners with the alleged offence.

Considering the aforesaid facts and circumstance, particularly the quantity of the recovered narcotics, this



Court is not persuaded to enlarge the petitioners on bail at this stage and accordingly, the prayer for bail is rejected.

The petition is dismissed.

However, this Court directs that the court below shall not make unnecessary delay in concluding the trial.

(Jitendra Kumar, J)

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