

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31533 of 2021

Arising Out of PS. Case No.-45 Year-2020 Thana- BHANGHA District- West Champaran

PRABHU YADAV S/O LATE BASUDEO YADAV R/o village- Bhangaha
Bazaar, P.S.- Bhangaha, District- West Champaran.

... .. Petitioner.

Versus

1. The State of Bihar
2. THE UNION OF INDIA THROUGH THE INSPECTOR GENERAL,
S.S.B. FRONTIER HEAD QUARTER, PATNA Bihar

... .. Opposite Parties.

Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.
For the State : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 04-01-2022 The applicant/accused in Crime No.45 of 2020 registered with Police Station-Bhangaha for the offences punishable under Sections 20, 22, 23, 24, 27 of the N.D.P.S. Act, by this application is seeking his release on bail during the pendency of the trial.

Heard learned counsel appearing for the applicant/accused. He submits that the applicant is behind the bars from 04.07.2020. It is further argued that F.I.R. does not reflect the compliance of mandatory provisions of the N.D.P.S. Act. The F.I.R. does not disclose that the seized contraband was properly sealed for taking out the samples. The seizure was not informed to the superior officer and therefore the applicant is entitled for



bail.

Learned A.P.P. opposed the application.

I have considered the submissions so advanced and also perused the materials placed before me.

The F.I.R. lodged by the Police Sub Inspector is to the effect that the applicant was found entering in the boundary of India from Nepal carrying with him some luggage. Upon noticing the police party, the applicant threw out the luggage. He was apprehended and his luggage was checked and it was found to be containing 22.5 kilograms of Ganja.

According to the prosecution, the applicant was found importing Ganja in commercial quantity in Indian from Nepal. The applicant is having criminal antecedents and one such offence under the N.D.P.S. Act is already registered against him. In this view of the matter, I am not satisfied that there are reasonable grounds for believing that the applicant is not guilty of the offence alleged against him. No case for grant of bail as such is made out. The application is therefore rejected.

(A. M. Badar, J)

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