

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70348 of 2021

Arising Out of PS. Case No.-396 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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Manuar Miya @ Manauwar Ali S/o Abbas Miya, R/o village- Garganw, P.S.-
Pipra Tand, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 09-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Aurangabad Town P.S. Case No. 396 of 2021
registered for the alleged offences under Sections 15, 18, 19 and
29 of the N.D.P.S. Act.

As per prosecution case, the police received secret
information about some persons bringing Doda powder with
them and petitioner and two other co-accused persons were
apprehended. From the possession of the petitioner about 46 kg.
of Doda powder was recovered. From the other two co-accused



persons further recovery of 39.760 kg and 11.225 kg of Doda powder, respectively was made.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the contraband as he was merely assisting one of the passengers in unloading his luggage from the bus. Learned counsel further submits that Doda powder has not been examined in Forensic Laboratory and so its nature has not been ascertained and it cannot be said that it is one of the contraband substances. Even on the facts of the case, the recovery from the petitioner is less than the commercial quantity and he is in custody since 13.09.2021. Charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the recovery of huge quantity of Doda powder has been made from this petitioner, which is just below the commercial quantity. However, learned APP concedes that the F.S.L. report shows that none of the narcotic drug and psychotropic substances could be detected in the exhibits.

Having regard to the facts and circumstances and submissions made hereinabove and considering the unequivocal report of Forensic Science Laboratory regarding the nature of



substance seized by the police and further considering the submission of charge-sheet along with the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge (N.D.P.S.), Aurangabad in connection with Aurangabad Town P.S. Case No.396 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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