

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16078 of 2022

Arising Out of PS. Case No.-304 Year-2021 Thana- GHORASAHAN District- East
Champaran

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Nakched Mukhiya Son of Basudeo Mukhiya Resident of Village- Nandsagra,
Dhad, Ward No.1, P.S.- Simroungarh, District- Bara (Nepal)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Narcotics Control Bureau Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 26491 of 2022

Arising Out of PS. Case No.-304 Year-2021 Thana- GHORASAHAN District- East
Champaran

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Pukar Mukhiya Son of Sukhdev Mukhiya Resident of Village - Bhalusawa,
P.s.- Simrongadh, Distt.- Bada Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 16078 of 2022)
For the Petitioner/s : Mr. Anshu Dhar Sharma
For the Opposite Party/s : Mr. Nitya Nand Tiwary
For the S.S.B : Ms. Punam Kumari Singh
(In CRIMINAL MISCELLANEOUS No. 26491 of 2022)
For the Petitioner/s : Mr. Binod Kumar Mishra
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 03-01-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with N.D.

P.S. Case No. 64 of 2021, C.I.S No. 64 of 2021 (arising out



of Ghorasahan Jitna) P.S. Case No. 304 of 2021 registered for the offences punishable under Sections 8/20(b)ii(c) of the N.D.P.S Act.

As per allegation, 41.5kg of narcotic drug (1 packet each from the petitioners and 4 packets scattered on the land.) has been recovered.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. They further submit that search and seizure has not been made as per the rules provided under the N.D.P.S. Act. They also submit that the seizure list does not carry the signature of the accused-persons from whom the alleged has been made. They also submit that the recovery has not been made from the personal possession of the petitioners. He also submits that the investigation in this case is complete and charge-sheet has already been submitted.

It has further been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedent. He also submits that the petitioners, have been languishing in jail since.23.07.2021 respectively.



It is also stated in paragraph no. 2 of the petition that the petitioners have not moved earlier before this Court for grant of anticipatory bail or regular bail.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, particularly the quantity of the contraband recovered, I am not persuaded to enlarge the petitioners on bail at this stage.

The application stands Rejected accordingly.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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