

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38484 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- PANDAUL District- Madhubani

1. Muzaffar Hussain Son Of Kamruzza Zama Resident Of Village- Shreejapur Babun, Police Station- Kaliya Chowk, District- Malda, West Bengal
2. Umar Farooque Son Of Jamiul Sheikh Resident Of Village- Shreejapur Babun, Police Station- Kaliya Chowk, District- Malda, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have prayed for bail in connection with Pandaul P.S. Case No. 58 of 2023 instituted for the offence under Sections 20(b)(ii)(c), 22 of the N.D.P.S. Act.

3. As per prosecution case, after getting secret information, police party raided at the house of Md. Husaain. After seeing police party, the petitioners were trying to escape but apprehend by police. On search, 1.005 kg brown sugar was recovered from where both the petitioners were living on rent.

4. Learned counsel for the petitioners submits that the petitioners are innocent and committed no offence. They have falsely been implicated in this case on the basis of suspicion.



The petitioners have no concern with the alleged recovery of *Brown sugar* like contraband substance. It is further submitted that the provision of N.D.P.S. Act has not been followed properly. Moreover, the petitioners are hawkers and they are languishing in judicial custody since 22.3.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioners were apprehended on spot from whose possession, brown sugar (heroine) like narcotic substance was recovered. The alleged recovery is said to be 1.005 kg which comes within purview of commercial quantity as per N.D.P.S. Act. According to F.S.L. report, Heroin is detected in the collected sample. Moreover, the witnesses of this case have also supported the prosecution.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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