

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55011 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- MUFFASIL District- Aurangabad

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RAJU KUMAR SINGH S/O- Rambilash Singh @ Rambilash Manjhi R/O-
Village- Pokhariya, P.S- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 61676 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- MUFFASIL District- Aurangabad

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SUJIT YADAV Son of Vijay Yadav R/V- Gadaki, P.S- Gidhaur, Dist- Chatra
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 55011 of 2022)

For the Petitioner/s : Ms Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

(In CRIMINAL MISCELLANEOUS No. 61676 of 2022)

For the Petitioner/s : Ms. Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
21.07.2022, in connection with Muffasil P.S. Case No.263/2022,
F.I.R. dated 20.07.2022, registered for the offences punishable
under Sections 8, 17(b), 18(b) of the N.D.P.S. Act, 1985.



According to prosecution case, 1 kg. 200 gm wet and 1 kg. Dry opium like substance has been recovered from the possession of petitioner no.2, namely, Sujit Kumar and 1 kg.200 dry and 1 kg wet opium like substance has been recovered from the petitioner no.1 namely, Raju Kumar Singh.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Learned counsel further submits that it appears from the F.I.R. as well as seizure list that the recovery has been made from a bus in question and it appears from the seizure list that 1 kg.200 gm dry and 1 kg wet opium like substance has been recovered from the bag of the petitioner no.1 namely, Raju Kumar Singh and 1 kg. 200 gm wet and 1 kg. dry opium like substance has been recovered from the possession of the petitioner no.2, namely, Sujit Kumar. Learned counsel for the petitioner further submits that there is non-compliance of Section 50 of the N.D.P.S. Act and there is no F.S.L. report to suggest that the recovered contraband is narcotic substance.

The learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record and the case diary as well as the F.S.L. report, vehemently



opposed the prayer for bail of the petitioners and submits that it has come during investigation that the petitioners were involved in the present occurrence and F.S.L. report also confirms that the recovered contraband from the possession of the petitioners are Opium.

Result of Examination:-

“MORPHINE along with other alkaloids of OPIUM were detected in the dark brown viscous substances (marked A1 & A2) respectively as described above.

OPIUM is an addictive, intoxicating & narcotics substances.”

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Muffasil P.S. Case No. 263/2022, pending in the court of learned 1st Additional District & Sessions Judge-cum-Special Judge (N.D.P.S.), Aurangabad.

Prayer is refused.

(Rajesh Kumar Verma, J)

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