

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.555 of 2023

Arising Out of PS. Case No.-202 Year-2022 Thana- RAMGARHWA District- East
Champaran

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KALAM HAWARI S/O Late Safik Hawari R/O Chadwa, P.S- Ramgarhwa,
District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Rina Sinha

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case
registered for the offence punishable under sections 8/21(C)/29
of the NDPS Act.

3. As per allegation in the FIR, on getting secret
information police party proceeded towards place of occurrence,
and apprehended two accused persons including the petitioner.
On search, 750 gram Smack like substance were recovered from
the petitioner.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and has
committed no offence. He has been falsely implicated in this



Case. No local person was made as a witness of the seizure list rather seizure list witnesses are police personnel. There is complete violation of provision of Section 50 of the NDPS Act. Petitioner has got no criminal antecedent and languishing in judicial custody since 26.06.2022.

5. Learned APP appearing for the State has opposed the prayer of Bail and submitted that the quantity of recovered smack like substance is more than commercial quantity.

6. Having heard the learned counsel for the parties and considering the huge quantity of recovery of smack , 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 and conclude the trial.

(Sunil Kumar Panwar, J)

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