

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39142 of 2024

Arising Out of PS. Case No.-830 Year-2023 Thana- MUFFASIL District- West Champaran

Balister Miyan, aged about 70 years (62 years, as stated in the F.I.R.), Male,
Son of Late Sukhadi Miyan, R/O Village- Bhaura, P.S. -Balthar, District -West
Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party : Mr. Raj Ballabh Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 10-07-2024 This matter has been listed under the heading ‘For
Orders (on office notes)’.

2. Perused the Memo No. 2059 dated 11.06.2024 sent by
the Superintendent of Police, West Champaran at Bettiah to this
Court.

3. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

4. The petitioner seeks bail in connection with Bettiah
(Muffasil (Manuapul) P.S. Case No. 830 of 2023 dated
27.12.2023 registered for the offences punishable under Section
414 of the I.P.C., and Sections 8, 20(b)(ii)(c), 23(c) and 29 of



the N.D.P.S. Act.

5. As per prosecution case, the informant seized two motorcycles. one motorcycle bearing Registration No. BR22BD1672 was driven by the co-accused Kasim Alam and on search, 05 kg., *charas* was recovered from the *dickey* of the said motorcycle and another motorcycle bearing BR22AH7252 was driven by the co-accused Abdulgani Mian and Balister Miyan (petitioner) was a pillion rider and on search, 05 kg., *charas* was also recovered from the *dickey* of the said motorcycle.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that no incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the alleged recovered *charas* or with the motorcycles in question. It is further submitted that the petitioner is aged 70 years of age but the informant has implicated the petitioner in the present case showing him to be aged about 62 years only because he did not agree to append his thumb impression over a blank paper to be a witness of the so-called seizure list, as desired by the informant. The petitioner was waiting for a bus since he had to go to meet



his ailing daughter at *Palanwa* but the informant detained him to be involved in the seizure process and when he refused, he has falsely been implicated in the present case. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner had no knowledge of the said contraband. The petitioner is in custody since 28.12.2023.

7.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner and submitted that the seized contraband is the commercial quantity.

8. Considering the aforesaid facts and circumstances of the case as well as the period of custody, let the above named petitioner, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, N.D.P.S. Bettiah, West Champaran in connection with Bettiah Muffasil (Manuapul) P.S. Case No. 830 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause,



the bail bonds of the petitioner are liable to be
cancelled.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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