

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49291 of 2023

Arising Out of PS. Case No.-13 Year-2017 Thana- CHHAURADANO District- East
Champaran

=====

Md. Muzzamil (Male), aged about 37 years, Son Of Seikh Noor Mohammad,
Resident Of Village- Mashi, P.S.- Chhauradano, Distt- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Bimal Kumar, Advocate
For the Opposite Party : Mr. Umanath Mishra, A.P.P.

=====

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

ORAL ORDER

5 08-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Vide order dated 24.06.2024, a report regarding the
present stage of the trial in connection with Chhauradano P.S.
Case No. 13 of 2017 from the court of learned Additional
Sessions Judge-cum-Special Judge, East Champaran, Motihari,
was called for.

3. In compliance to the aforesaid order dated
24.06.2024, a report regarding the present stage of trial has been
received through Letter No. 151 dated 01.07.2024 sent by
learned Exclusive Special Court No.-II under N.D.P.S. Act, East
Champaran, Motihari, in which it has been stated that no any
witness has been examined till date and this case is presently



pending for the prosecution evidence and summons have been issued against the witnesses on 10.05.2024.

4. The petitioner seeks bail in connection with Chhauradano P.S. Case No. 13 of 2017 dated 19.01.2017 registered for the offences punishable under Sections 20(b)(ii) (c) and 23 (c) of the N.D.P.S. Act.

5. As per the prosecution case, during the course of checking of vehicle, a Tata Magic vehicle was stopped in which two persons were sitting and a blue colour bag was kept in between the legs of the petitioner. The petitioner was searched and on search, 4.6 k.gs., charas was recovered from the bag of the petitioner.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the S.I. of police is not authorized under N.D.P.S. Act as the search of any vehicle is done by the officer authorized under Section 42 of the N.D.P.S. Act and as per notification of the Bihar Government dated 06.09.1998. There is nothing on record to suggest that no superior officer in terms of Section 57 of the N.D.P.S. Act was informed. There is no compliance of Sections 42, 43, 49, 52 and 52(a) of the N.D.P.S. Act. The seized car from which the contraband is



recovered does not belong to the petitioner. The petitioner has one criminal antecedent in which he has been acquitted as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 20.01.2017.

7. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. It has further been submitted by learned A.P.P. that 4.6 k.gs., charas was recovered from possession of the petitioner and the seized contraband is commercial quantity.

8. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, 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 learned Additional Sessions Judge-cum-Special Judge, East Champaran, Motihari in connection with Chhauradano P.S. Case No. 13 of 2017 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)

U.K./-

U		T	
---	--	---	--

