

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46195 of 2023

Arising Out of PS. Case No.-458 Year-2022 Thana- RAXAUL District- East Champaran

RIYAZ DEWAN Son of Jahir Dewan R/o Bishrampur, Ward No.- 7, P.S.-
Pokhariya, District - Parsa, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Raxaul P.S. Case No. 458 of 2022 instituted for the offence under Sections 20(b)(ii)(c), 23(c) & 25 of the N.D.P.S. Act.

3. As per F.I.R., prosecution case relates to recovery of Charas like contraband substance i.e. 2.3 kg from possession of the petitioner who was apprehended on spot while trying to escape after seeing the police party.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged recovery of *charas* like contraband substance. It is further submitted that the provision of N.D.P.S. Act has not been



followed properly. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. The petitioner has got no criminal antecedent and he is languishing in judicial custody since 30.09.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner was apprehended on spot from whose possession, *charas* like narcotic substance was recovered which is said to be 2.3 kg and the same comes within purview of commercial quantity.

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 as soon as possible.

(Sunil Kumar Panwar, J)

lata/-

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

