

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69919 of 2024

Arising Out of PS. Case No.-313 Year-2024 Thana- MUFFASIL District- West Champaran

Majid Miyan, Gender-Male, aged about 42 years, S/O- Tujar Miyan, R/O
Village- Bathana, P.S.- Majhauriya, Dist- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party : Mr. Pawan Kumar Chaurasia, A.P.P.

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

ORAL ORDER

3 19-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bettiah
Mufasil P.S. Case No. 313 of 2024 dated 06.06.2024 registered
for the offences punishable under Sections 8, 20(b)(ii)(c) of the
N.D.P.S. Act.

3. As per the prosecution case, total 2.250 kgs., Charas
like substance was recovered from the underwear of the
petitioner.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in the
present case. It is further submitted that no contraband substance
has been recovered from the possession of the petitioner. It is



further submitted that the petitioner was arrested from Bettiah Railway Station from where he was going to board to Ludhiyana but merely on the basis of suspicion he has been arrested in the present case showing alleged recovery from his possession. It is further submitted that falsity of the prosecution would be evident that it has been alleged that the petitioner was carrying 2.250 kgs., Charas like substance in his underwear which is not a probable story at all. The alleged seized Charas like substance was sent to F.S.L., for test but without receipt of the report of the F.S.L., charge sheet has been submitted in the present case. The alleged seized substance is not a contraband substance which has been planted by the raiding team only with a motive to show their credit to his superior officials. The petitioner is a poor labourer who was going to board train for Ludhiyana where he does the work of agricultural Labourer for his livelihood. Vide order dated 05.10.2024, F.S.L. report was called for. In pursuance thereof, the F.S.L. report has been received from the Director, Regional Forensic Science Laboratory, Muzaffarpur, in a sealed cover envelope which has been opened in the open court. In the said F.S.L. report, it has been mentioned that 'No narcotic drugs and/or psychotropic substances were detected in the contents of all seven small



plastic containers marked ‘1’, ‘2’, ‘3’, ‘4’, ‘5’, ‘6’ and ‘7’ as described above’. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 06.06.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner and has submitted that 2.250 kgs. Charas like substance has been recovered from the underwear of the petitioner. The said contraband is commercial quantity. Learned A.P.P. for the State has also filed a counter affidavit on behalf of the State.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, 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 Mufasil P.S. Case No. 313 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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