

In the Court of Sessions Judge, Darbhanga, Bihar.
Special Case No.19 of 2021.

1. Nishu Raut s/o Ganesh Raut

R/o Mohalla- Alinagar, P.S.L.N.M.U.,

District- Darbhanga-----Petitioner.

Vrs.

1.The State of Bihar -----Opposite Party.

Counsel for the petitioner : Shri Aftab Ahmad Siddiqui, Advocate.

Counsel for the State : Shri Chamak Lal Pandit, I/C Special P.P.

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ORDER

19-06-2021. Due to **COVID-19 Pandemic** the matter is taken up for hearing through virtual Court as extremely urgent on the oral submission of learned defence counsel.

The bail petition dated 03-06-2021 filed on behalf of the petitioner-accused namely Nishu Raut, has been moved today, who is in jail custody since 29-04-2021 in connection with this special (NDPS) Case arising out of L.N.M.U. P.S. Case No.160 of 2021 offences U/S 30(a) Bihar Excise and Prohibition Act 2016, U/Ss 20/22 of NDPS Act and U/Ss 27(b)(ii), 28 Bihar Drug and Cosmetic Act 1940.

`Heard both sides and perused the record as well as xerox copy of case diary.

According to the FIR, it is alleged that during course of patrolling duty, the informant received secret information regarding illegal sale of intoxicated articles by petitioner Nishu Raut. Upon this information, the informant informed the Senior Police Officer and on the direction of Senior Police Officer, C.I.A.T. team also came. Thereafter, the informant along with C.I.A.T. team raided the house of the petitioner. Seeing the police several people assembled there but they did not agree to become an independent witness then in presence of police personnels entered into the house of the petitioner but all the inmates of the house fled away. On search **Pyeevan span plus tablet 141 strips of 8 pieces each, total 1128 pieces, Anxit 0.50 tablet 4 strips of 15 pieces each, total 60 pieces, Spasmo-Proxyvon Plus tablet 15 strips of 120 pieces and Dialex DC Syrup 100 ml each-35 bottles** have been recovered. The production-cum-seizure list was prepared.

The learned counsel for the petitioner-accused has argued that the petitioner is innocent and has committed no offence and petitioner has been falsely implicated in

this case on mere suspicion. It has further been submitted that the alleged tablets and syrup were not recovered from the house of the petitioner rather the same were recovered from an orchard behind the house of the petitioner which does not belong to the petitioner but the police has shown the said tablets and syrup to be recovered from the house of the petitioner. It is further argued that nothing has been recovered from the conscious possession of the petitioner and petitioner has no criminal antecedent but he is languishing in jail since 29-04-2021. On these basis, it is prayed to allow this bail petition.

The learned I/c Special P.P. for the NDPS Act has opposed the bail of the petitioner-accused and submitted that as per report of Drug Inspector, case comes within the ambit of Narcotic Drugs and Psychotropic Substance Act.

Having considered the facts and circumstances of the case and basically considering the fact that huge quantity of intoxicated tablets and syrup were recovered from the house of the petitioner. The investigation is still pending.

Therefore, considering the aforesaid facts and circumstances of the case, submission made above and nature of offence and since the investigation is pending, at this juncture, the prayer for bail of accused-petitioner is hereby **rejected** with observation that the petitioner will be at liberty to file fresh regular bail petition after submission of charge-sheet.

(Dictated)

Sessions Judge/Special Judge
Darbhanga.
19-06-2021

Typed by
S. Jha,Steno.