

IN THE COURT OF SESSIONS JUDGE,CUM SPECIAL JUDGE(NDPS  
ACT),GAYA

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N.D.P.S. Case No-28/2021  
I.A. No-01/21,

Govind Kumar Yadav and other Vs. State of Bihar.

04-06-2021            **This bail petition is being disposed of in Virtual Court.**

Learned advocates for the petitioners (1) Govind Kumar Yadav and ,(2) Devlal Bhuiyan have pressed regular bail petition for bail in connection with Amas P.S. Case No-57/2021 under sections 8/17(c)/18(c) of N.D.P.S. Act.

All the above two petitioners are in judicial custody since 05-03-2021.

Case diary is not available on the record but the learned counsel for the petitioners consistently requested to dispose of this bail petition of petitioners without case diary. Learned Special P.P for the State has also submitted that bail petition of petitioners may be rejected without case diary as huge quantity of afim was recovered from possession of petitioners .That is why, I am going to dispose of this bail petition of petitioners.

Case of the prosecution , in brief, as per written report of the occurrence is that on 04-03-2021 at about 14:15 O'Clock, S.H.O. Anil Kumar Singh of Amas P.S. has received confidential information that two persons Govind Kumar Yadav and Deolal Bhuiyan are going to Delhi from Sherghaty by "Singh Lok Bus" bearing No-BR 26K-4200 on sleeper seat No-3(B) and 4 (B) carrying with afim . Then after registering Sanha , informant informed the senior officer about this . After that , he requested the B.D.O. Sri Ramesh Kumar Singh of Amas to assist as Magistrate. On this information , B.D.O. Sri Ramesh Kumar Singh with informant as well as deputed constables in police station , constable 2693, Shivji Kumar , Constable

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2673 Sundan Kumar , Constable 2691 Dharmendra Kumar reached at Amas Toll Plaza and stopped the aforesaid bus and searched the said bus before two independent witnesses namely Manoj Singh and Birendra Yadav. They found that two persons are sleeping on sleeper's seat of the said bus with plastic bag . Police party asked about the plastic bags . They did not give satisfactory reply and police party checked the plastic bag , which was kept in jholi (Bag) and found **wet afim** in two plastic bags from the possession of petitioner Govind Kumar Yadav containing one Kg.(1 kg.) in each bag , total 2 Kg. was recovered and he also disclosed his name as Govind Kumar Yadav and One touch screen mobile phone of red colour of OPPO Company , which IMEI No-8655-7704942 7652, 865577049427645 , containing mobile No-9905692776 in running condition and Rs. 340 cash kept in old purse , A.T.M. card No-6521636456003324 and aadhar card of Govind Kumar Yadav were recovered from possession of Govind Kumar Yadav (petitioner) . After that , from possession of accused Devlal Bhuiyan , who was sleeping in seat No – 3(B) , packet of **wet afim** which was kept in two polythenes , containing 1.250 Kg. in each polythene total 2.5 Kg was recovered . From the pocket of jeans pant of Devlal Bhuiyan , touch screen mobile phone of M.I. Company ,IMEI No-86616047693755, 866616047693763, containing mobile No-6203801168 and cash Rs. 230/- from pocket of his pant and ticket from Sherghaty to Delhi of “Singh Lok Bus” was also recovered . Police arrested the above said accused persons and prepared a seizure list.

Learned advocate for the petitioners has submitted that petitioners are innocent and have been falsely implicated in this case. Petitioners were not caught on the spot and nothing has been recovered from their possession.

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Petitioners have no any criminal antecedent and they are in judicial custody since 05-03-2021. So , they may be enlarged on bail.

Learned Special Public Prosecutor (N.D.P.S. Act) has vehemently opposed the prayer for bail of petitioners and submitted that huge quantity of afim was recovered from possession of petitioners.

Heard learned advocate for the petitioners and learned Special Public Prosecutor (N.D.P.S.Act) for the State.

Case diary is not available on the record but on the repeated requests made by the learned advocate for the petitioners , this bail petition is being dispose of without case diary.

Perused the record including F.I.R. From perusal of the F.I.R., it appears that from possession of petitioner Govind Kumar Yadav , 2 kg. afim and from possession of petitioner Devi Lal Bhuiyan , 2.5 Kg. afim were recovered, which are in huge quantity of afim , so prayer for bail of all the petitioners is rejected .

(Dictated)

Sd/-

(Birendra Kumar Mishra)  
I/C Sessions Judge,CUM-  
Special Judge(NDPS Act)  
GAYA