

In the Court of Additional Sessions Judge-II
cum Special Judge NDPS, Supaul
NDPS Case No.- 52/2023
Kunauli P.S Case No.- 111/2023
I.A. No. 01/25

	Avinash Kumar, S/o- Ashok Kumar Kamat, R/o- Kunauli ward No.- 12, P.S- Kunauli, District- Supaul -----Petitioner Versus State of Bihar ----- O.P	
21/01/25	The bail petition bearing I.A. no. 1/25 filed on behalf of accused petitioner namely Avinash Kumar, who is in custody since 04/10/2023 in Kunauli P.S Case no.- 111/2023 u/s- 21(c),22(c) of the NDPS Act, has been pressed today for hearing. Heard both the sides and perused record. It is submitted that the petitioner is quite innocent and he has not committed any offence. It is submitted that a regular bail petition filed earlier in this case has been rejected by the Session Judge and thereafter the Cri. Misc. 17289/23 filed on behalf of the petitioner in Hon'ble High Court has also been rejected vide order dated 16/07/24 and thereafter except the present petition no other bail petition has been preferred by the petitioner. It is submitted that the petitioner has no criminal history and no alleged drug has been recovered from the possession of the petitioner. It is submitted that on 23/08/24 the charges in the cases as has been framed. It is placed that no compliance of section 42, 50 and 52A of NDPS Act and section 100 of Cr.P.C. has been made. The petitioner is in custody since 04/10/2023. It is further submitted that the petitioner is ready to furnish sound and solvent bailors and he may be ordered to be released on bail. The learned Spl. P.P opposed the prayer for bail. The case as per the informant, Ajay Naithani, Inspector/GD, 45th Batalion SSB, in brief, is that on 03/10/2023 at about 15:45 O'Clock he got an information regarding smuggling of narcotic/psychotropic substance from India to Nepal vide Kamalpur bus stand. For verification of the information he along with patrolling team kept vigil at Bada Pul near Sheetal Chowk. At about 18:30 O' clock he saw that two persons are exchanging sacs. Both the persons were apprehended by the police party and on interrogation they told their names as Avinash Kumar and Tinku Lal Sah. He further stated that when the petitioners and the sacs recovered from them were duly searched, 1. DIALEX-DC- 15 NOs, 2. WINCEREX-T 30 NOs,	Contd.

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3. ONREX- 83 NOs were recovered from them along with a bicycle and 2 mobile phones.

From perusal of record it appears that accused petitioner is named in the FIR and seizure list mentioned in case-diary confirms recovery of 1. DIALEX-DC- 15 Nos, 2. WINCEREX-T 30 Nos and 3. ONREX- 83 Nos from the petitioner and the other co-accused (para-3). The informant in his re-statement (para-2) and the other witnesses including the seizure list witnesses in their respective statements have fully supported the factum of occurrence and also recovery of the prohibited drugs containing narcotic/psychotropic substance from the petitioner and the other co-accused (para-8, 9 and 10). The petitioner has criminal history of one case (para 24) and it also appears that he was apprehended red handed with drugs containing narcotic/psychotropic substance. It appears that after investigation charge-sheet against the petitioner and the other co-accused has also been submitted u/s- 21(C), 22(C) of NDPS Act (para 45). The FSL report attached with the record goes to show that the recovered drug contained intoxicating and narcotic substance. Moreover, the cognizance of the offence has already been taken u/s- 21(C), 22(C) of NDPS Act by the Sessions Judge and the charges have also been framed against both the accused persons on 23/08/2024 and the case is now under trial.

Considering the aforesaid fact of recovery of considerably large quantity of prohibited drug containing narcotic/psychotropic substance from the petitioner and also the fact that such incidents of dealing/smuggling of narcotic/psychotropic substance are quite common in the border area of Kosi region and are posing serious threat to the well being of the people especially the youth, I am not inclined to enlarge the petitioner on bail and, hence, bail petition filed on behalf of accused petitioner namely **Avinash Kumar**, stands **Rejected**.

Dictated

Nishi Kant Thakur
21/1/25

(Nishi Kant Thakur)
Additional Sessions Judge-II
cum Special Judge NDPS
Supaul