

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24230 of 2015

Arising Out of PS.Case No. -170 Year- 2014 Thana -MURLIGANJ District- MADHEPURA

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1. Shankar Sah S/o Late Naseeb Sah resident of village- Mirganj, Ward No. 10, P.S.- Murliganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Manish Kumar 2 (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-10-2015 Supplementary affidavit has been filed today, which is kept on record.

Heard learned counsel for the petitioner and learned A.P.P. representing the State.

Petitioner seeks bail in connection with Murliganj P.S. Case No. 170 of 2014 registered for the offences punishable under Sections 20, 22, 24 of N.D.P.S. Act.

Allegedly acting on a tip-off, the informant and other police personnel went at the house of the petitioner but the petitioner fled away and on search in presence of two independent witnesses, four bags of Ganja weighing 36.25 Kilograms were recovered and accordingly seizure list was prepared.

Submission is of false implication and nothing has

been recovered from the house of the petitioner. At the time of search. Provision of Section 50 of N.D.P.S. Act has not been complied with and further there is no compliance of Section 100 Cr.P.C.. The petitioner is a member of a joint family and he resides jointly in the house and as such the petitioner cannot be held responsible for the alleged recovery, if any, to which learned A.P.P. opposes.

Considering the alleged recovery from the house of the petitioner, at this stage this Court is not inclined to enlarge the petitioner on bail and accordingly, such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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