

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 30761 of 2014

Arising Out of P.S. Case No. -10 Year- 2014 Thana -FATUHA District- PATNA

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Sanjay Kumar, Son of Satya Narayan Jaiswal resident of village- Karhagola, P.S.-
Barari, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 16-12-2015

Heard learned counsel for the parties.

The case has been specially assigned to this
Bench by Hon'ble the Acting Chief Justice in view of the order
dated 23.09.2015 passed by a co-ordinate Bench.

The said case has been referred in view of the
fact that though co-accused Md. Wali has been granted bail in Cr.
Misc. No. 26007 of 2015 by the said bench on 24.07.2015, it was
not brought to the notice of the Court that the bail application of
co-accused Amit Kumar had been rejected by this bench earlier
by order passed on 21.10.2014 in Cr. Misc. No. 24322 of 2014.
The co-ordinate Bench thus without granting any indulgence or
hearing the matter despite the fact that it had granted bail to
another co-accused had referred the matter to the present Bench.

The petitioner seeks bail in Special Case No. 06
of 2014 arising out of Fatuha P.S. Case No. 10 of 2014 dated
11.01.2014 instituted under Sections 20/22 of The Narcotic

Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that though he was caught on the Bolero from which 92 Kgs. 'Ganja' has been seized but the same has not been from his conscious possession and that he was a businessman coming to Patna for making certain purchase. It is submitted that he is in custody since 11.01.2014.

Learned A.P.P. opposes the prayer for bail and submits that the petitioner was caught from the 'Bolero' from which 92 Kgs. of 'Ganja' was seized and also cash of Rs. 11970/- having been recovered from his person, cannot claim to be innocent and further that initially he had tried to run away but was intercepted by the police and caught, thus raising strong suspicion as it was not the natural reaction of a person who is innocent.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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