

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10216 of 2015

Arising Out of PS.Case No. -339 Year- 2014 Thana -UDWANTNAGAR District- BHOJPUR

1. Rakesh Kumar Singh @ Prince Kumar son of Jai Kumar Singh @ Jayak Singh Resident of village- Masarh, P.S. Udwant Nagar, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.12538 of 2015

Arising Out of PS.Case No. -339 Year- 2014 Thana -UDWANTNAGAR District- BHOJPUR

1. Jai Kumar Deep @ Jayak Singh @ Jai Kumar Singh S/o Sri Radha Mohan Singh @ Dewata jee Resident of Village Masarh, Police Station Udwant Nagar (Gajrajganj O.P.), District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In both cases)

For the Petitioners : Mr. Yogesh Chandra Verma, Sr. Adv.

For the State : Mr. L.K.Sharma(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 25-06-2015 Both petitions arise out of NDPS Case No. 10 of 2014 arising out of Udwant Nagar Police Station P.S. Case No. 339 of 2014 registered under Sections-20 & 22 of the NDPS Act and accordingly, both the above-said petitions are being heard and disposed off by this common order.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

In huge quantity, Ganja is said to have recovered

from the house of petitioners and it is alleged that at the time of recovery, the female folk of the house disclosed that petitioners were involved in smuggling of Ganja.

Learned counsel appearing for the petitioners submits that the so-called recovery has not been made from conscious possession of the petitioners and there is nothing in the entire case diary to show this fact that petitioners were aware about keeping of Ganja in their house. It is further contended by him that so far as so-called statement of female folk of the house is concerned; the same is not believable and as a matter of fact, it is creature of the informant.

Regard being had to the facts and circumstances of the case as well as submission of the parties, I am not inclined to grant privilege of anticipatory bail to the petitioners and accordingly, prayer for anticipatory bail of the petitioners in connection with NDPS Case No. 10 of 2014 arising out of Udwant Nagar Police Station P.S. Case No. 339 of 2014 pending in the court of Sessions Judge, Ara stands rejected.

However, this order shall not cause any prejudice to the concerned court at the time of consideration of regular bail application of the petitioners.

(Hemant Kumar Srivastava, J)

A.K.V./-

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