

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44855 of 2012

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Md. Kalam @ Kalamuddin, S/O Farid, R/O Village - Mahmada, Choubey
Tola, P.S. - Mehshi, District - East Champaran At Motihari

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 14-05-2015 The petitioner has filed the present application under Section 482 Cr.P.C. for quashing the order dated 08.08.2012 passed by the learned 7th Additional Sessions Judge, East Champaran, Motihari in N.D.P.S. Case No.11 of 2012, whereby the prayer of the petitioner for discharge has been rejected.

From the materials available on the record, it is apparent that 240 kgs Ganja was recovered from a vehicle in which the petitioner and a co-accused was present. The petitioner is named in the FIR vide Annexure-1 as an accused with a specific allegation for commission of crime under Section 20(b)/22/23 of the N.P.D.S. Act. On close of investigation, the charge-sheet was submitted and accordingly cognizance was taken for offences in question.

By the impugned order, the prayer for discharge has been rejected. Though, the impugned order was passed way back on 08.08.2012 and since then more than two and half years has already elapsed, but subsequent developments have not been brought on record. The learned trial court has recorded a finding of fact that there are sufficient materials for framing of charge

against the petitioner.

After having heard the parties and taking into consideration the materials available on record, this Court does not find any good ground to interfere with the impugned order dated 08.08.2012 passed by the learned 7th Additional Sessions Judge, East Champaran, Motihari in N.D.P.S. Case No.11 of 2012. Consequently, the present application has to fail and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

Arvind/-

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