

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43283 of 2012

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Intezar Ahmad @ Sk. Intezar Ahmad S/o Late Sk. Israil, resident of village-
Jaisingput tola Ratwa PS Turkaulia district East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-03-2015

This is an application seeking quashing of order taking cognizance dated 17.08.2012 passed in Narcotic Drugs and Psychotropic Substance Act case No. 18/09 (Turkaulia PS case No. 26/2009) passed by learned Chief Judicial Magistrate, East Champaran, Motihari. He has taken cognizance under Sections 22/21 of the Narcotic Drugs and Psychotropic Substance Act and has issued notice/summon to the petitioner and other accused persons.

I do not find any reason to interfere with the order taking cognizance impugned in the present application in exercise of power under section 482 of the Code of Criminal Procedure as it cannot be said that on the basis of allegations, no offence under Section 22/21 of Narcotic Drugs and Psychotropic Substance Act is made out.

This application is, accordingly, dismissed.

Learned counsel for the petitioner submits that there is no material in the case diary to support the prosecution story against the petitioner.

The petitioner shall be at liberty to raise this plea before the court below at the time of framing of charge. The court below, in such circumstance, will be required to consider such plea in accordance with law.

(Chakradhari Sharan Singh, J)

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