

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33936 of 2012

Arising Out of PS.Case No. -1 Year- 2002 Thana -null District- AURANGABAD

- =====
1. Kaushlendra Kumar Singh @ Kaushlendra Kumar son of late Kamla Prasad Singh.
 2. Lalan Singh @ Lalan Sinha son of late Jay Prakash Singh Both are resident of village Manjhara P.S. Goh District Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bindeshwari Kumar, Adv.

For the Opposite Party/s : Mr. C. Jawahar, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-02-2015

The petitioners seek quashing of the order dated 16.11.2011 passed by the Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad by which he has taken cognizance under Section 47A of the Bihar Excise Act and the order of affirmation dated 24.10.2011 passed by the 1st Addl. Sessions Judge, Aurangabad in G.R. No. 01 of 2002/47 of 2005 corresponding to Goh P.S. Case No. 01 of 2002.

The case of the prosecution is that a raid was conducted on 03.10.2002 in the village of the petitioners and the houses of petitioners were searched. From the courtyard of Petitioner no. 1, two plants suspected to be ganja, uprooted by the accused, were recovered. Similarly the house of the Petitioner no. 2 was also searched and three

plants of alleged ganja were recovered. Subsequently the plants were tested and it was found that the required presence of T.H.C was not found in the plants and hence they were not 'ganja'.

Considering the aforesaid, the application stands allowed.

The order dated 16.11.2011 passed by the Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad and the order dated 24.10.2011 passed by the 1st Addl. Sessions Judge, Aurangabad in G.R. No. 01 of 2002/47 of 2005 corresponding to Goh P.S. Case No. 01 of 2002 so far as the petitioners are concerned, is hereby set aside

(Anjana Prakash, J)

Prakash/-

U		T	
---	--	---	--