

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32424 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -BIHIYA District- BHOJPUR

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1. Rajiv Kumar @ Rajiv Kumar Choubey S/o Yamuna Choubey Resident of
Village Gaighat, P.S. Kudra, District Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray

For the Opposite Party/s : Mr. Jitendra Kr.Singh 1(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 01-12-2015 Heard the learned counsel for the petitioner as well as

the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 20 and 22 of the N.D.P.S. Act.

Allegedly, acting on a tip off, the bus wherein the
petitioner was traveling, was intercepted and 20 kgs. of ganja kept
in two bags was recovered.

Submission is of false implication and that there is
nothing to connect that the two bags from which ganja is said to
have been recovered belongs to the petitioner. There is no
confessional statement recorded. The petitioner has been made
victim of the circumstances resulting he is suffering in custody
since 25.03.2015. Charge sheet has already been submitted and

there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner was trying to save him when the raid was conducted and the two passengers are the seizure list witnesses and they have stated regarding the said recovery and further the petitioner has also accepted before them that the two bags belong to him.

In the facts and circumstances as stated above, considering the alleged recovery, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with N.D.P.S. Case No. 3 of 2015 arising out of Bihiya P.S. Case No. 79 of 2015 pending in the Court of Sessions Judge, Bhojpur at Ara.

(Jitendra Mohan Sharma, J)

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