

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28764 of 2014

Arising Out of PS.Case No. -62 Year- 2014 Thana -DHAMDAHA District- PURNIA

=====

Md. Afsar @ Md. Aksar S/O Md. Abid resident of Village - Rangpura, P.S.
- Mirganj, District - Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-01-2015 Heard learned counsel for the petitioner and learned

counsel representing the State.

The petitioner, apprehending his arrest in connection with Spl. Case No. 08 of 2014, arising out of Dhamdaha P.S. Case No. 62 of 2014 registered for the offences punishable under Section 20/30 of N.D.P.S. Act, seeks the privilege of pre-arrest bail.

Allegedly, acting on the confessional statement of co-accused Rajendra Mahto, Gumti of the petitioner was raided but the petitioner fled away and from his Gumti 20 small packets containing 10 gm. each i.e. total 200 gms. Ganja were recovered.

Submission is that the petitioner was not arrested at the spot, the Gumti was easily accessible to any person, no seizure list

was prepared in presence of the petitioner, mandatory provision of N.D.P.S. Act has not been complied with, and as such, the petitioner deserves sympathetic consideration to which the learned A.P.P. opposes.

Considering the alleged recovery and finding it is not a fit case for pre-arrest bail, the prayer of the petitioner for pre-arrest bail stands rejected. But in case and if so advised, the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered by Special Judge on its own merit without being prejudiced by this order.

(Jitendra Mohan Sharma, J.)

Vats/-

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