

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39406 of 2015

Arising Out of PS.Case No. -110 Year- 2014 Thana -MEERGANJ District- PURNIA

Kamlesh Kumar @ Kamleshwar Kumar @ Kamleshwar Sah Son of
Bhupendra Sah @ Bhupendra Prasad Sah resident of village- Mohaniya
Chakia, P.S.- Banmankhi, Distt- Purnia.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate.

For the Opposite Party : Mr. Ashok Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in Mirganj
P.S. Case No.110 of 2014 instituted under Sections 420 and
120(B) of the Indian Penal Code and Sections 20/20(B) II
C/22/23 and 29 of the NDPS Act pending in the Court of Sessions
Judge, Purnea.

It is alleged by the informant that on telephone
information the informant along with other police officials
reached near Kajra Ghat and found that some miscreants engaged
in loading something on a Bolero vehicle and on seeing police
party they tried to escape and on chased caught the petitioner and
other persons. It is alleged that the accused persons were engaged
in smuggling and transporting ganja and raiding party recovered

900 k.g. of ganja from the truck.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Petitioner has been made accused due to mistake of fact. There is no recovery from the conscious possession of the petitioner.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioner and the same is rejected.

Any how, if the petitioner surrenders in the court below within a period of four weeks and pray for regular bail, same shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sudhir Singh, J)

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