

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44565 of 2014

Arising Out of PS.Case No. -38 Year- 2014 Thana -BHAGALPUR GRP CASE District-
BHAGALPUR

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Tara Kumar @ Tara Kumar Sah @ Tara Sah

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha-Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh 1 (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

08 06-07-2015

A supplementary affidavit has been filed on behalf of
petitioner, taken on record.

Heard learned counsel for the petitioner as well as learned
Additional Public Prosecutor.

Petitioner was apprehended on account of possessing 21 k.g.
of *Ganja* while getting down from Hawra-Gaya Up Express at Bhagalpur
Railway Station, Platform no.1.

It has been submitted on behalf of petitioner that story of
recovery of 21 k.g. *Ganja* happens to be false and fabulous and has purposely
been introduced to justify apprehension of petitioner. It has been submitted
that on confidential information, the G.R.P. Police conducted raid at
Barharwa Railway Station of aforesaid Hawra-Gaya Express in between
07/08.07.2014 wherefrom Binod Kumar Sah was apprehended having in
possession of 10 k.g. of *Ganja* and subsequently thereof, in order to have
credit for apprehension of *Ganja*, the Bhagalpur G.R.P. also recorded another
F.I.R. showing recovery of 21 k.g. *Ganja* from the possession of petitioner.
Therefore, for the same occurrence, two F.I.R. is non-permissible. The

aforesaid event has been highlighted by the local paper and to support the same Annexures-3, 4 and 6 have been filed. It has also been submitted that aforesaid Binod Kumar Sah had already been granted bail vide Annexure-5. So, submitted that in the aforesaid background, petitioner is entitled for bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that from Annexure-3, F.I.R. of Rail Barharwa P. S. Case no.04 of 2014, it is apparent that accused Binod Kumar Sah was apprehended from a general bogie while in the instant F.I.R., it is apparent that petitioner had got down from S-I Bogie and while he was travelling along with trolley bag at platform no.1 of Bhagalpur Railway Station, he was apprehended. Therefore, both the cases cannot be clubbed together and in the same way, cannot be considered to be off spring of each other. Furthermore, there happens to be recovery of 21 k.g. of *Ganja* and for which, petitioner has got no explanation.

Accordingly, prayer of petitioner for bail is rejected.

However, the learned lower court is directed to expedite the trial.

(Aditya Kumar Trivedi, J)

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