

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23471 of 2015

Arising out of PS.Case No. -52 Year- 2008 Thana -KHAIRA District- JAMUI

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Heera Yadav, Son of Bachu Yadav, resident of village - Ghuthia, P.S.
Tishri, (Lokayanpur), District - Giridih (Jharkhand).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pankaj Kumar Sinha, Advocate.

For the Opposite Party : Mr. Murlidhar (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-08-2015 The petitioner is languishing in custody since 20.01.2015

in connection with N.D.P.S. Case No. 1A of 2008, arising out of
Khaira P.S. Case No. 52 of 2008 for the offences instituted under
Sections 8(b), 15 and 18 of the NDPS Act.

Heard learned counsel for the petitioner and learned
counsel for the State.

The prosecution story, in brief, is that on 31.03.2008
while the informant alongwith other police personnels had gone
for vehicle checking within the jurisdiction of Khaira P.S. and as
soon as he reached near “Khaira More” he came to know through
reliable sources that the aforesaid accused was standing nearby
road having possessed with opium poppy straw measuring 75 KG.
kept in three plastic bag with him illegally. Just after getting such



information, the informant reached at the spot and caught hold the said illegal intoxicated articles and prepared the seizure list at the spot as well as the accused Raj Kumar Modi was arrested and also disclosed the name of the accused and forwarded the court concerned for an appropriate action. At the instance of the aforesaid written petition dated 31.03.08 filed on behalf of the informant, Khaira P.S. Case No. 52/08 dated 31.03.08 has been instituted against the said accused persons Raj Kumar Modi and Heera Yadav as per named in the F.I.R. U/S 8(B), 15 and 18 of the N.D.P.S. Act. After investigation, the supplementary charge sheet against the aforesaid accused Heera Yadav has been submitted by the I.O. of this case u/s 8(B), 15 and 18 of the N.D.P.S. Act, on which basis cognizance of the offence has been taken by the learned court concerned against accused Heera Yadav.

It has been submitted on behalf of the petitioner that the petitioner has been remanded in the present case on 20.01.2015 and since then he is in custody in the present case. It is further submitted that the charge sheet has been submitted in the present case. It is further submitted that the petitioner is made accused in the present case due to mistake of fact. The petitioner is named by co-accused. No recovery has been made from his possession.

On behalf of the State it has been submitted that the

petitioner is named by co-accused from whose possession huge quantity of Ganja is said to have been recovered and the confession of co-accused under the N.D.P.S. Act is admissible.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in N.D.P.S. Case No. 1A of 2008, arising out of Khaira P.S. Case No. 52 of 2008, pending in the court of the learned A.D.J. Ist, Jamui. Anyhow, the trial court is directed to take all necessary steps to expedite the trial of the present case and conclude the same preferably within one year from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)