

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5071 of 2016

Arising Out of PS.Case No. -279 Year- 2015 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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Anurudh Sah Son of Tulsi Sah

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Ajay Kr. Jha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 23-02-2016

Heard learned counsels for the petitioner and

learned APP for the State.

The petitioner is languishing in custody since 30.08.2015 in a case registered for the offences punishable under sections 399/402 of the Indian Penal Code, 25(1-B)a/26/35 of the Arms Act and section 22 of The Narcotic Drugs and Psychotropic Substances Act in connection with Yogapatti P.S. Case No.279 of 2015, pending before the learned District and Sessions Judge, West Champaran, Bettiah.

On confidential information that the notorious criminal Rajan Tiwari @ Tiwari along with his associates are moving on two motorcycles with narcotics, the police reached at Harpurwa Chowk when six persons were coming on two motorcycles from whom two persons escaped from the scene with one motorcycle but one person could not escaped and three persons from other motorcycle including the petitioner were

apprehended. They disclosed their names as Rajan Tiwari @ Tiwari, Ajay Patel, Rabindra Chaudhary and Anurudh Sah the petitioner. From the possession of the petitioner one country made loaded pistol and one cartridge were recovered. From the motorcycle on which the petitioner and two others were travelling half k.g. 'charas' was recovered.

It is submitted by learned counsel for the petitioner that the recovery cannot be treated from the possession of the petitioner as it was recovered from the motorcycle on which there were three persons. A statement has been made in paragraph 3 of the petition that the petitioner is accused in one other case apart from the present one and the investigation has already concluded.

Considering the recovery of 'charas', between small and commercial quantity along with arms, this court is not inclined to grant bail to the petitioner at present. Accordingly, the application for bail on behalf of the petitioner is rejected for the present.

However, the petitioner will be at liberty to renew the prayer for bail after remaining in custody for one year. It is expected from the learned court below to expedite the trial.

(Dinesh Kumar Singh, J)

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