

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 24623 of 2016

Arising Out of PS.Case No. -78 Year- 2013 Thana -CHAKAI District- JAMUI

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Manish Kumar Singh Son of Satyendra Singh, Resident of Village-
Salanpur near Rani Bagan Maidan Katras, P.S.- Katras, District-
Dhanbad(Jharkhand).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr.Adv.

Mr. Rohit Kumar, Adv.

For the Opposite Party/s : Mr. S.Ehteshmuddin (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 08-08-2016 Heard Sri S.N.P.Sinha, learned senior counsel, who
was assisted by Sri Rohit Kumar, learned counsel for the petitioner
and Mr. S.Ehteshmuddin, learned Addl. Public Prosecutor.

The petitioner has approached this Court invoking its
inherent jurisdiction under Section 482 of the Code of Criminal
Procedure, with a prayer to quash an order dated 22-04-2016
passed by learned Addl. District & Sessions Judge 1st (Special
Judge), Jamui in N.D.P.S. Case No. 1A of 2013 (arising out of
Chakai P.S. Case No. 78 of 2013) registered for the offence under
Section 20 of the Narcotic Drugs & Psychotropic Substances Act,
1985. By the said order, the learned Addl. Sessions Judge has
rejected the petition filed under Section 227 of the Cr.P.C. on
behalf of petitioner for his discharge.

It was submitted by learned senior counsel for the
petitioner that petitioner was not arrayed as accused in the F.I.R.,

however; during investigation, without any material, showing as if petitioner had purchased a vehicle, from which huge quantity of *Ganja* was recovered, was made accused. On this ground, a prayer has been made to set aside the impugned order.

Fact remains that during investigation, name of petitioner transpired and thereafter, petitioner was also forwarded as accused and order of cognizance was passed. Subsequently, at the stage of charge, petition for discharge was filed, which has been rejected by the impugned order. After going through the impugned order, it is evident that learned court below, after examining the case diary and referring to certain paragraphs of the case diary, has rejected the petition.

On going through the impugned order, the Court is satisfied that learned Addl. Sessions Judge has committed no error by rejecting the petition filed under Section 227 of the Cr.P.C.

Accordingly, the petition stands dismissed.

In view of facts and circumstances, the court below is required to proceed with the case for its expeditious disposal.

Let a copy of this order be sent to the court below forthwith.

(Rakesh Kumar, J.)

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