

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49036 of 2015

Arising Out of PS.Case No. -17 Year- 2015 Thana -WEST CHAMPARAN GRP CASE District-
WESTCHAMPARAN(BETTIAH)

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Om Prakash Kumar Gupta Son of Late Durga Sao, Resident of Village -
Pantoka, P.S. - Ramgarwaha, District -East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Ms. Poonam Singh, Adv.

For the Opposite Party/s : Ms. Smt. Pronati Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Narkatiaganj Rail P.S. Case No. 17/2015 registered for the
offences punishable under Sections 34 of the Indian Penal Code
and 20(b) II (c), 21(C), 22/27 (A) of the NDPS Act.

Allegedly, the petitioner and co-accused were caught
moving at Narkatiaganj Railway Station in suspicious condition
and after search 9 packets of charas weighing 4.500 kgm and two
mobiles were recovered from possession of the petitioner whereas
from possession of another co-accused a hat having electronic
device and a mobile was recovered.

Submission is of false implication and that the

informant in his further statement has changed his version and has stated that from possession of the petitioner 5 packets of charas kept in a bag was recovered and 4 packets charas was recovered from the bag of co-accused, other independent witnesses have stated that the petitioner runs a grocery shop and was not involved in such activity and as such the petitioner who is suffering in custody since 12.08.2015 deserves sympathetic consideration. It is also submitted that the mobile details were also not traced out.

Learned Spl. P.P. opposes the prayer of bail by submitting that 4.500gm charas was recovered from conscious possession of the petitioner.

In the facts and circumstances stated above, considering the alleged recovery, this court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected.

(Jitendra Mohan Sharma, J.)

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