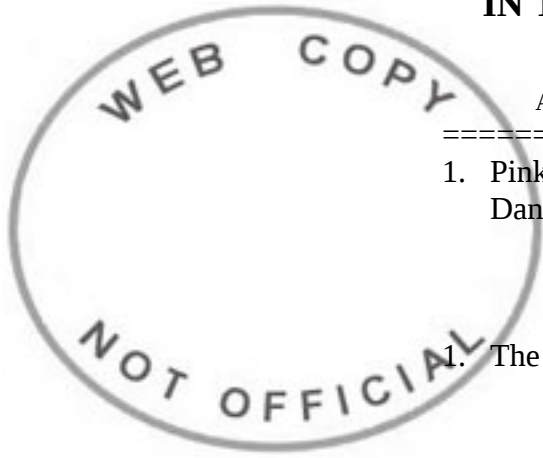




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34737 of 2016

Arising Out of PS.Case No. -246 Year- 2016 Thana -DANAPUR District- PATNA

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1. Pinku Jaiswal S/o Late Rajendar Jaiswal R/o Gurudwara Road,
Danapur, P.S. Danapur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 27-10-2016

The petitioner is languishing in custody since 07.06.2016 in a case registered for the offences punishable under Sections 21, 22, 23 of the Narcotic Drugs & Psychotropic Substances Act.

The prosecution case is that Ranjeet Kumar Singh, officer-in-charge of Danapur police station received secret information on 06.06.2016 that one miscreant Pinku Jaiswal is carrying charas through an auto-rickshaw when on chase one person was intercepted who disclosed his name as Pinku Jaiswal, the petitioner from whom 500 grams of charas were recovered.

It is submitted by learned counsel for the petitioner that the present prosecution has been lodged by the



officer-in-charge to save his skin as the petitioner was arrested by the police on 05.06.2016 at 10:00 P.M for which the mother of the petitioner filed a petition being Miscellaneous Case No. 15 of 2016 on 06.06.2016 at 7:30 A.M before learned Additional Chief Judicial Magistrate, Danapur, thereafter the present case has been registered. The recovery is between small and commercial quantity. Though the petitioner is accused in six other cases but he is on bail in those cases.

Mr. J.N. Thakur, learned A.P.P submits that the recovery has been made on the same day i.e. on 06.06.2016 and there is nothing on record to suggest that petition filed by the mother of the petitioner before learned Additional Chief Judicial Magistrate, Danapur was actually filed before the seizure or after the seizure. However, learned A.P.P. admits that the recovery is between small and commercial quantity.

Considering the rival submissions of the parties, though the recovery is between small and commercial quantify, but keeping in view of the serious criminal antecedent of the petitioner, this Court is not inclined to grant bail to the petitioner at present.

Accordingly the application stands dismissed in connection with Special Case No. 24 of 2016, arising out of Danapur P.S. Case No. 246 of 2016, pending in the Court of learned Additional Sessions Judge-II, Patna. However, the petitioner will be at liberty to renew the prayer for bail after

remaining in custody for nine months if, in the meantime, the trial will not be concluded.

(Dinesh Kumar Singh, J)

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