

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47409 of 2016

Arising Out of PS.Case No. -119 Year- 2016 Thana -GANDHIMAIDAN District- PATNA

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Rakesh Kumar S/o Asni Prasad Resident of Village- Shastri Nagar, P.S.-
Rampur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through the Narcotics Drug Control.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.C.Verma, Sr.Adv.
Mr. Anuj Kumar, Adv.
For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.
Mr. Rakesh Kumar Sinha, CGC

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 19-12-2016 Heard Sri Y.C. Verma, learned senior counsel assisted
by Sri Anuj Kumar, learned counsel for the petitioner, Sri
Rajendra Prasad Nat, learned Addl. Public Prosecutor as well as
Sri Rakesh Kumar Sinha, learned Central Govt. Counsel.

The sole petitioner, who is in custody since
13-04-2016 in Gandhi Maidan P.S. Case No. 119 of 2016,
corresponding to Special Case No. 12 of 2016, registered for
offence under Sections 8, 21, 29 of the Narcotic Drugs &
Psychotropic Substances Act, 1985, has prayed for grant of bail.

It was submitted by Sri Verma, learned senior counsel
for the petitioner that from the F.I.R. itself, it is evident that
informant had noticed that one lady was putting something in the



bag of the petitioner and on search from the bag, Thailand make *Heroin* was recovered, which was weighing 485 gm. It was argued by learned counsel for the petitioner that in the F.I.R. itself, the informant has stated that the detained lady namely Rita Kumari had confessed that said consignment was handed over by co-accused Upendra Sharma. By way of referring to **Annexure – 2** to the present petition, it has been argued that said Upendra Kumar has been granted bail by order dated 18-05-2016 passed in Cr. Misc. No. 21636 of 2016 by a coordinate Bench (Hon'ble Mr. Justice Dinesh Kumar Singh) and it has been argued that if it is a case that petitioner was not possessing any contraband and the fact that one of the co-accused has been granted bail, the petitioner also deserves to be extended same privilege.

By opposing the prayer for bail, it was submitted by learned Addl. Public Prosecutor as well as learned Central Govt. Counsel that it was a specific case of recovery of *Heroin* from the possession of the petitioner. The petitioner's case may not be equated with the case of said Upendra Sharma, whose name has come on disclosure of one of the apprehended accused.

Keeping in view the seriousness of the accusation and recovery of foreign make *Heroin*, there is no reason to extend the privilege of bail.



Dismissed.

(Rakesh Kumar, J.)

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