

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44379 of 2016

Arising Out of PS.Case No. -395 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

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Md. Usman @ Usman Son of Late Kalimuddin, resident of Dhuliyar Police Station- Dhuliyar, District- Jangipur (West Bengal).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 15-12-2016 Heard Sri Dilip Kumar Singh, learned counsel for the petitioner and Sri Madan Kumar, learned Addl. Public Prosecutor.

The sole petitioner, who is in custody only since 27-08-2016 in Kishanganj P.S. Case No. 395 of 2016 corresponding to Special Case No. 15 of 2016 registered for offence under Sections 20 & 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner that petitioner was only a *Khalasi* in a public transport vehicle and he has falsely been implicated in the present case. By way of referring to F.I.R., it was submitted that it is a specific case that a boy carrying bag was noticed in the bus and from that bag, about 7 Kg. & 200 Gm. of *Ganja* was recovered. He submits that since earlier, there was no discussion of petitioner with the said boy, the petitioner was falsely got implicated, as per the statement made by



the boy, from whose possession *Ganja* was recovered. On aforesaid ground, he has made a prayer for grant of bail. Learned counsel for the petitioner further submits that when the learned Sessions Judge had rejected the prayer for bail, investigation was only going on. He submits that now situation has changed and police has already submitted chargesheet. On query, he accepts that petitioner has also been forwarded as accused.

Learned Addl. Public Prosecutor has opposed the prayer for bail.

Besides hearing, I have also perused the materials on record, including F.I.R. On going through the F.I.R., it is evident that search of bus was conducted by the Sub Divisional Officer, in presence of the police officer, who is informant of the present case and a Gazetted officer. The said boy was apprehended with a bag, in which, *Ganja* was recovered, who disclosed that petitioner was also participant in carrying *Ganja*.

In view of specific accusation in the F.I.R., I do not find any ground to extend the privilege of bail.

Dismissed.

(Rakesh Kumar, J.)

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