

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39297 of 2016

Arising Out of PS.Case No. -268 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Kundan Tiwari @ Kundan Kumar Tiwari, S/O Baleshwar Tiwari, Resident
of Belwa, Auraiya, P.S.- Bettiah Muffasil, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 30-11-2016 Heard Sri Sanjeev Kumar, learned counsel for the
petitioner and learned Additional Public Prosecutor.

The sole petitioner who is in custody since 20.6.2016
has prayed for grant of bail in Shikarpur P.S. Case No. 268 of
2016 corresponding to N.D.P.S. Case No. 09 of 2016 registered
for the offence under Section 20 & 22 of the Narcotic Drugs And
Psychotropic Substances Act.

By way of referring to statement made in paragraph no.
3 of the petition it was submitted by learned counsel for the
petitioner that since petitioner was arrested in one case i.e. Bettiah
Muffasil P.S. Case No. 632 of 2015 he was falsely implicated in
number of other cases. He submits that the petitioner was granted
bail in all other cases and only thereafter in present case the



petitioner has been falsely been implicated on the basis of confession of two accused persons who were arrested. Learned counsel for the petitioner has further argued that seizure memo was prepared in the morning whereas petitioner was arrested in the night at about 10.20 P.M. on the same date and petitioner's signature was obtained on the seizure memo. He has placed reliance on Annexure -2 to the present petition i.e. copy of seizure memo. On aforesaid ground a prayer was made for grant of bail.

Learned Additional Public Prosecutor has opposed the prayer for bail.

In this case earlier case diary was called for which is on record. After going through the material on record it is evident that three accused persons were noticed and they were chased and out of three, one accused fled away, two accused persons were apprehended from whose possession one kilogram each of Charas was recovered. They disclosed the name of the petitioner as the person who fled away. On perusal of the statement made in paragraph no. 20 of the case diary it is evident that petitioner after being arrested, insisted for providing seizure memo and thereafter his signature was obtained and seizure memo was provided. Only on the ground that on seizure memo which was prepared in the morning there is signature of the petitioner he may



not be absolved from accusation.

Keeping in view the fact that there was recovery of huge quantity of Charas and the fact that petitioner is accused in number of cases besides the present case as stated in paragraph no. 3 of the petition, I do not find any ground to pass favorable order.

The petition stands dismissed.

(Rakesh Kumar, J)

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