

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 27714 of 2013

Arising Out of PS.Case No. -81 Year- 2006 Thana -MOKAMA District- PATNA

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Chandan Kr. Singh @ Chandan Kumar S/O Sri Mahendra Prasad Singh,
Advocate, Resident of Village- Shankarwar Tola Mokama, P.O & P.S-
Mokama, District- Patna, At Present Resident of Mohalla- Vishnupur
Pakari, P.S- Beaur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Sri Chandra Shekhar Kumar Sinha S/O name not known to the
petitioner, Inspector Officer- in- Charge, Mokama Police Station, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dronachaya

For the Opposite Party/s : Mr. D.P.Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

4. 23-08-2016 Heard Sri Dronacharya, learned counsel for the
petitioner and Sri D.P.Tiwary, learned Addl. Public Prosecutor.

The sole petitioner has approached this Court invoking
its inherent jurisdiction under Section 482 of the Code of Criminal
Procedure, with a prayer to quash an order dated 15-04-2013
passed by learned Additional Sessions Judge 2nd, Barh, Patna in
Special Case No. 25 of 2006 (arising out of Mokama P.S. Case No. 81
of 2006), whereby, the petition filed on behalf of petitioner for his
discharge under Section 227 of the Cr.P.C. has been rejected.

Learned counsel for the petitioner tried to persuade
the Court that recovery of *smack* was affected from the possession
of one of the co-accused namely Rakesh Kumar Singh, who was
apprehended. It has not been disputed by learned counsel for the
petitioner that in the F.I.R., there was accusation that about five

persons had arrived at a shop and demanded something and thereafter, police was informed. In the meanwhile, all accused persons fled away and only one accused namely Rakesh Kumar Singh was apprehended, from whose possession, recovery of *smack* was shown and as such, F.I.R. was lodged under Sections 387/34 of the Indian Penal Code and Section 20 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (in short 'NDPS Act').

It was submitted by learned counsel for the petitioner that since nothing was recovered from the possession of the petitioner, the petitioner may not be held guilty for the offence under the NDPS Act.

Besides hearing, I have also perused the materials available on record, including the order impugned. I do not find any apparent error warranting interference.

The petition stands dismissed.

Keeping in view the fact that the case is of the year 2006, while dismissing the present petition, it is desirable to observe that learned court below may take appropriate step so that the case may come to its logical end without unnecessary delay.

Let a copy of this order be sent to the court below forthwith.

(Rakesh Kumar, J.)

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