

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42890 of 2016

Arising Out of PS.Case No. -391 Year- 2016 Thana -SAHARSA District- SAHARSA

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Md. Mahtab S/o Late Md. Hamid Resident of Machhali Market , P.S.
Saharsa (Sadar) District Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Singh

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 13-12-2016 Heard Sri Krishna Prasad Singh , learned senior counsel

who was assisted by Sri Mithilesh Kumar Singh, learned counsel

for the petitioner and learned Additional Public Prosecutor.

The sole petitioner, who is in custody since 8.8.2016
has prayed for grant of bail in Saharsa P.S. Case No. 391 of 2016
registered for the offence under Section 20 and 22 of the Narcotic
Drugs And Psychotropic Substances Act.

It was submitted by learned senior counsel for the
petitioner that the alleged Ganja was recovered from the house of
the brother of the petitioner namely , Md. Samsad and petitioner
falsely was implicated. Learned senior counsel for the petitioner
has also placed reliance on a photo copy of the F.I.R. in Saharsa
Sadar P.S. Case No. 431 of 2016 which was registered subsequent



to lodging of the present F.I.R. He submits that in the 2nd F.I.R. it has been indicated that house of Md. Samsad was searched from where about 10 Kilogram of Ganja was recovered. He has also submitted that during investigation number of witnesses have stated that petitioner has falsely been implicated.

However, after going through the F.I.R. it is evident that while Police party arrived three persons were seen fleeing away. Out of three, one was apprehended and petitioner's name has come as he fled away along with his brother. From the house Ganja total weighing 13 Kilogram 100 Gram was recovered amongst the said recovered Ganja number of Ganja wrapped in paper was also recovered meaning thereby that the accused persons were involved in trafficking of Ganja.

In view of the nature of accusation, there is no point for considering the prayer for grant of bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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