

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50385 of 2015

Arising Out of PS.Case No. -453 Year- 2015 Thana -BAHERA District- DARBHANGA

Lalan Singh Son of Baiju Singh Resident of Village -Nandapatti, Police Station- Bahera, District Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Pankaj Kumar Jha, Advocate
For the Opposite Party : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-02-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Bahera P.S. Case No. 453 of 2015 corresponding to G.O. No.14 of 2015 pending in the Court of learned District & Sessions Judge, Darbhanga for the offences instituted under Sections 20 and 22 of the NDPS Act.

As per prosecution case, it is a case of recovery of some ganja from the dicky of motorcycle of the accused persons.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. Except for the confessional statement of his brother, namely, Rajeev Singh, there is no other material to suggest his implication in the

present case. The brother of the petitioner does not have good relationship with him, hence he has been implicated in the present case at the instance of his brother, namely, Rajeev Singh. There is no recovery from the conscious possession of the petitioner. The premises, from where the motorcycle has been recovered do not belong to the petitioner. Petitioner resides in a separate house but due to mistake of fact, he has been made accused in the present case.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioner on anticipatory bail, the same is rejected.

Anyhow, if the petitioner surrenders in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order and, if possible, the same may be disposed of on the same day.

(Sudhir Singh, J)

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