

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13217 of 2017

Arising Out of PS.Case No. -39 Year- 2004 Thana -BAKHTIYARPUR District- PATNA

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Birendra Rai, son of Mouji Rai, resident of Village- Tekabigha, P.S.-
Bakhtiyarpur, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Ms. Sucheta Yadav

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 20-06-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with
Bakhtiyarpur P.S.Case No. 39 of 2004, arising out of Special Case
No. 18-B of 2004, registered for the offences punishable under
Sections 20 and 22 of Narcotic Drugs and Psychotropic Substance
Act.

Allegation against the petitioner is of recovery of 28
kg. ganja from his house.

Submission of learned counsel for the petitioner is two
fold, firstly it has been submitted that the recovery has been made
from the joint house of the petitioner in which petitioner along
with others are living and, as such, it cannot be said that recovery
has been made from the conscious possession of the petitioner and
secondly it has been submitted that petitioner is suffering from
Leprosy and in support of his contention he has relied upon
Annexure-2 to the petition and petitioner is in custody for about



one year.

Heard learned APP also, who has opposed the prayer for bail stating that huge quantity of ganja has been recovered from the house of the petitioner.

Having heard both sides and considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner.

Earlier a report regarding physical status of the petitioner was called for and, however, report is not clear. As such, a Medical Board be constituted by the Civil Surgeon, Patna and petitioner be produced before the Medical Board so as to find out as to whether petitioner is suffering from Leprosy or not ?.

Once any report, showing petitioner is suffering from Leprosy is submitted before the court concerned, petitioner may renew his prayer for bail before the court below, who will consider that aspect of the matter and pass an appropriate order.

With the above observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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