

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32005 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -SIKTA District-
WESTCHAMPARAN(BETTIAH)

=====

Chhabilal Yadav Son of Manager Yadav, Resident of Village- Satgarhi,
P.S.- Gopalpur, District- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Adv.

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 29-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
26.01.2017 in connection with Trial No. 20 of 2017 arising out of
Sikta P.S. Case No. 11 of 2017 for offences punishable under
Sections 8, 20(b)(ii) (C) of N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel, is that during raid petitioner was apprehended and from
a plastic bag 36 kg. ganja was recovered. Accordingly, the seizure
list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case because of police



highhandedness as the written report itself has variation in the dates of occurrence which falsifies the prosecution story. He submits that charge sheet has already been submitted, trial is going on and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that huge quantity of ganja was recovered and the petitioner was apprehended on the spot.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Sikta P.S. Case No. 11 of 2017, pending in the court of learned 5th Additional Sessions Judge, Bettiah, West Champaran.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

SHAHZAD/-

U		T	
---	--	---	--

