

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41755 of 2016

Arising Out of PS.Case No. -92 Year- 2016 Thana -NARPATGANJ District- ARRARIA

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Om Prakash Sah, S/o Sri Hardeo Sah, Resident of Village- Bariyarpur, P.S.-
Narpatganj, District Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shiv Shankar Sah, Advocate
Mr. Sanjay Kumar Gupta, Advocate
For the Opposite Party : Mr. Upendra Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 17-01-2017 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in a case instituted for the
offence under Sections 8 (C)/20(b)(ii)(B) of N.D.P.S. Act.

It is alleged that informant got secret information
that illegal business of Ganja is going on in the house of Surjanand
Sah. The police raided the house and recovered total 7 kg of Ganja
which was kept in a Trunk. The petitioner tried to run away from
the house who was arrested by the police. Seizure list has been
filed along with written report which bears the thumb impression
of the petitioner.

The state has submitted after perusing the case diary
that witnesses in para-4,5 and 6 of the case diary have stated that



petitioner was found sleeping in that room.

The counsel for the petitioner has referred to para-13,14, 15 of the case diary where it has been stated that ganja might have been brought by the elder son-in-law of Surajanand Sah. The petitioner is also son-in-law of the Surajanand Sah and it has come in the case diary that he has come to his sasural about two days prior to the occurrence for treatment of the son. There is specific statement of the witnesses in para-4,5 and 6 of the case diary that the petitioner was found sleeping in that room. Petitioner wanted to run away from the room and arrested. Seizure list bears thumb impression of the petitioner. There is allegation of recovery of huge quantity (7 kg) of ganja.

Therefore, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is hereby rejected in connection with Special Case No. 12 of 2016, arising out of Narpatganj P.S. Case No. 92 of 2016, pending in the court of Special Judge, Araria.

(Sanjay Priya, J.)

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