

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53879 of 2013

Arising Out of PS.Case No. -52 Year- 2013 Thana -GOPALPUR District- BHAGALPUR

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Janardan Mandal @ Jaldhar Mandal S/O Late Shiv Mandal R/O Village
Purani Athama Panuchak, P.S. Kahalgaon Ghogha, District Bhagalpur.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Prasad

For the Opposite Party/s : Mr. Khurshid Anwar (App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 26-04-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

From the impugned order it appears that the learned Magistrate, on the basis of the charge sheet submitted by the police and from the materials available on the record, found sufficient material and took cognizance against the petitioner and other accused persons for the offence punishable under Section 18(B) of the N.D.P.S. Act Sections 404/420/120(B), 201 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the land in question in which coffee plant is alleged to have been found, is not in the share of this petitioner and a Partition Suit No. 666 of 2012 is pending before the learned Sub-ordinate Judge- 4th,



Bhagalpur.

In such circumstances, this Court does not find any illegality in the order taking cognizance by the court below

However, the petitioner is at liberty to raise all the points as raised in this criminal miscellaneous petition before the trial court at the time of framing charge.

This application is, accordingly, disposed of.

(Sanjay Priya, J)

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