

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22345 of 2017

Arising Out of PS.Case No. -307 Year- 2016 Thana -BARACHATTI District- GAYA

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1. Avinash Kumar, Son of Late Anand Kishor Singh, Resident of Village-
New Colony Pakri, Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kalyan Shankar, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 06-07-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
14.08.2016 in connection with Barachatti P.S. Case No. 307/16 for
offences punishable under Sections 20/22/29 of the N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel, is that during course of checking they apprehended the
petitioner and another co-accused from Fiat Linea vehicle. From
documents, names of other persons were revealed and in the
dicky 1 quintal and 90 kg of ganja in different packets was
recovered. Accordingly, a seizure-list was prepared. The
apprehended petitioner and another co-accused could not produce
any paper in support of the seized ganja.



It has been submitted by the learned counsel for the petitioner that he is innocent, had taken lift in the car and is a student, who has a bright career, and nothing incriminating has been found from his conscious possession.

However, learned APP for the State vehemently opposes the prayer for bail stating therein that the petitioner was caught red-handed while fleeing from the car, from the dickey of which, the said ganja was recovered.

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 Barachatti P.S. Case No. 307/16, pending in the court of learned Sessions Judge, Gaya.

Application is, accordingly, rejected. However, it is expected that the learned court below will proceed with speedy trial of the case.

(Nilu Agrawal, J)

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