

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44774 of 2014

Arising Out of PS. Case No.-57 Year-2012 Thana- Sitamarhi District- Sitamarhi

Rakesh Kumar @ Rakesh Kapar Son of Shree Jhagru Kapar, Resident of
Bathnaha Goti, P.S.- Bathnaha, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ganga Prasad Bimal

For the Opposite Party/s : Mr. Navin Kumar Pandey (APP)

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 08-09-2017 Heard Sri Ganga Prasad Bimal, learned counsel for
the petitioner and Sri Navin Kumar Pandey, learned Addl.
Public Prosecutor.

The petitioner has approached this Court invoking its
inherent jurisdiction under Section 482 of the Code of Criminal
Procedure, 1973, with a prayer to quash an order dated
21-07-2014 passed in Sitamarhi P.S. Case No. 57 of 2012. By
the said order, the learned Special Judge, Sitamarhi, on the basis
of supplementary charge-sheet, has summoned the petitioner, as
accused, under Sections 20, 22 and 23 of the Narcotic Drugs &
Psychotropic Substances Act, 1985.

Sri Bimal, learned counsel for the petitioner has
argued that the petitioner was not named in the F.I.R. and even
in first charge-sheet, he was not made accused, however;



subsequently through supplementary charge-sheet, maliciously the police has forwarded the petitioner as accused. According to learned counsel for the petitioner, the order of cognizance dated 21-07-2014, in view of malicious act of the police, is liable to be set aside, whereas, Sri Pandey, learned Addl. Public Prosecutor opposing the prayer submits that during further investigation, complicity of the petitioner had surfaced and thereafter, supplementary charge-sheet was submitted and the learned Special Judge, on the basis of supplementary charge-sheet, has passed the order impugned.

Besides hearing learned counsel for the parties, I have also perused the materials on record, including the impugned order dated 21-07-2014. After examining the same, the Court is of the opinion that since order of cognizance has been passed in conformity with the police report, there is no error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J.)

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