

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43015 of 2017

Arising Out of PS.Case No. -110 Year- 2014 Thana -MEERGANJ District- PURNIA

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Kamlesh Kumar @ Kamleshwar Kumar Son of Sri Bhupendra Prasad Sah
@ Bhupendra Sah, resident of Village+ P.O.- Mohaniya Chakala, P.S.-
Banmankhi, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.

For the Opposite Party/s : Mr. Sri Nagendra Prasad, APP.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
21.06.2017 in connection with Suppl. Special P.S. Case No. 19
of 2014 arising out of Mirganj P.S. Case No. 110 of 2014 for
offences punishable under Sections 420, 120B of the Indian
Penal Code and 20/20(B)11C/22/23/29 of the N.D.P.S. Act.

The prosecution case, as lodged by the Sub-Inspector
of Mirganj police station, is that with the police force and
S.T.F. they conducted a raid and found that some packets were
being unloaded from a truck and loaded on a bolero car. On



search 900 kg of Ganja was recovered from the truck and 45 kg Ganja was recovered from the Bolero car. The police apprehended three persons while other persons managed to flee away. The apprehended person Pradip Kumar Sah stated that Bolero vehicle belonged to the petitioner. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and was not even present at the place of occurrence. He submits that his name surfaced only on the basis of confessional statement of apprehended co-accuse Pradip Kumar Sah who is brother-in-law of the petitioner and had taken the car with the driver and he did not know of such illegal activities carrying on by the co-accused Pradid Kumar Sah. He submits that D.I.G. during investigation had given a clean cheat to the petitioner and that one of the seizure list witnesses has stated that his signature was obtained on the seizure list after three days which raises suspicion and casts a cloud on the whole prosecution story. He submits that some of the independent witnesses at paragraph-50 and other paragraphs of the case diary has stated that the Bolero car was found locked from inside in a ditch. It is further submitted that charge-sheet has already been



submitted 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 in the confessional statement of the co-accused Pradip Kumar Sah the petitioner has been stated to be an associate along with other persons who were carrying on trade of contraband Ganja. He submits that the number plate of the Bolero car was changed and the Bolero car belonged to the petitioner.

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 Suppl. Special P.S. Case No. 19 of 2014 arising out of Mirganj P.S. Case No. 110 of 2014 pending in the court of learned Sessions Judge-cum-Special Judge, Purnea.

The application is, accordingly, rejected.

(Nilu Agrawal, J)

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