

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41698 of 2017

Arising Out of PS.Case No. -100 Year- 2017 Thana -BAKHTIYARPUR RAIL P.S. District-
PATNA

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Kamal Singh son of Late Ramadhar Singh resident of village - Chakvat,
Police Station - Bihiya, District - Bhojpur (Ara).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.05.2017 in connection with Special Case No. 67 of 2017
arising out of G.R.P. Bakhtiyarpur P.S. Case No. 100 of 2017 for
offences punishable under Sections 8/20(c)/22(c) of the N.D.P.S.
Act.

The prosecution case, as lodged by the police
personnel, is that two persons including the petitioner were found
with two bags which was searched and from the bag in the
possession of the petitioner about 27 Kg Ganja was found while
from the another co-accused also about 26 Kg Ganja was



recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, nothing has been recovered from his conscious possession and the independent witnesses have not supported the prosecution story. He submits that there is no compliance of Section 100 of the Cr.P.C. although the occurrence took place on the platform and large number of persons assembled but the witnesses are police officials. 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 huge quantity of Ganja has been recovered from the possession of the petitioner and other co-accused.

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 Special Case No. 67 of 2017 arising out of G.R.P. Bakhtiyarpur P.S. Case No. 100 of 2017, pending in the court of learned Sessions Judge/Special Judge, Patna.

The application is, accordingly, rejected.

However, since the petitioner is 65 years old person and



bears no criminal history, he may renew his prayer for bail after six months, if the trial is not concluded by that time.

(Nilu Agrawal, J)

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