

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.45231 of 2017**

Arising Out of PS.Case No. -311 Year- 2016 Thana -BUDDHACOLONY District- PATNA

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Deepak Kumar, S/o Late Chandra Ket Singh, resident of Mohalla-Budh Marg.  
China Kothi near rail Police Kendra Budh Marg. P.s.-Budha colony, District-Patna.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL JUDGMENT**

**Date: 13-04-2018**

This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed by the petitioner for quashing the order dated 07.07.2017 passed by the learned Additional District and Sessions Judge-X, Patna in Special Case No. 85 of 2016, arising out of Budha Colony P. S. Case No. 311 of 2016 by which the application filed under Section 227 of the Cr.P.C. by the petitioner for discharging him from prosecution has been rejected.

2. Learned counsel for the petitioner submitted that the petitioner is a qualified engineer and he has been made accused in this case only because he happens to be the son of Chandra Ket Singh accused named in the FIR.

3. On the other hand, learned counsel for the State



submitted that the petitioner is one of the named accused in the FIR and the allegation is that on a secret information, on 04.11.2016, the informant along with other police personnel reached near the tea shop of Jogi Saw and on seeing the police party, two persons started fleeing away from a hut situated at eastern side of the tea shop. Both of them were apprehended and on search, in presence of two independent witnesses, 35 Kg ganja kept in the plastic bag was recovered from the hut. After preparing the seizure-list, the petitioner was forwarded to the judicial custody. In course of investigation, the allegations were found to be true and, thus, the charge-sheet was submitted against him. He submitted that finding sufficient materials to proceed against the petitioner, the court below rightly rejected the application filed under Section 227 of the Cr.P.C. vide impugned order dated 07.07.2017.

4. I have heard learned counsel for the parties and perused the record.

5. From the impugned order it would reflect that the learned court below has found sufficient materials against the petitioner to put him on trial for the offences punishable under Sections 20 and 22 of the NDPS Act. The other materials on record would also reflect that the petitioner is named in the FIR and there is allegation that he was arrested with his father at the place of



occurrence itself and 35 Kg ganja was recovered from the hut from where they started fleeing away on seeing the police party. FSL report is also there on record and the witnesses, in course of investigation, have supported the allegations made against the petitioner.

6. In that view of the matter, I see no merit in the challenge made to the order impugned whereby the petition of the petitioner filed under Section 227 of the Cr.P.C. has been rejected by the court below. The application is dismissed, accordingly.

**(Ashwani Kumar Singh, J.)**

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| CAV DATE          | NA         |
| Uploading Date    | 13.04.2018 |
| Transmission Date | 13.04.2018 |

