

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14624 of 2018

Arising Out of PS. Case No.-125 Year-2017 Thana- KODHA District- Katihar

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Nitesh Kumar Jha @ Bittu Jha @ Nilesh Jha, Son of Ashok Jha, Resident of
Mohalla Hari Ganj, Patel Chowk, PS Katihar Town, District Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 03-05-2018 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner, already in custody, seeks bail in connection
with Korha PS Case No.125 of 2017 (G.R. Case No.1708 of
2017), registered under Sections 20, 22 of the NDPS Act as well
as under Sections 25(1-b), a/26 of the Arms Act.

Allegation in brief is that two accused persons were
apprehended travelling in a auto-rickshaw, one of the accused
was found carrying two firearms and 8.550 Kgs. of *Ganja* and
the petitioner was found carrying 4.168 Kgs. of *Ganja* in a bag.

Learned counsel for the petitioner submits that the
petitioner was a passenger in the auto-rickshaw and recovery is
not made from his conscious possession and he is in custody for
approximately one year; whereas learned counsel for the State



submits that the petitioner suppressed his criminal antecedent and only mentioned one criminal antecedent in his bail petition whereas the antecedent report called by the Court shows that he has four criminal antecedents excluding the present case and all cases are of serious nature of dacoity and robbery.

However, learned counsel for the petitioner submits that by filing supplementary affidavit, after receipt of the report, the criminal antecedents of the petitioner were mentioned.

Having considered the aforesaid facts and circumstances and conduct of the petitioner suppressing the criminal antecedent, the Court is not persuaded to grant bail to the petitioner, so the prayer of bail of the petitioner is presently rejected in connection with Korha PS Case No.125 of 2017 (G.R. Case No.1708 of 2017), pending in the court of learned Additional Sessions Judge-cum-Special Judge, Katihar with a direction to the trial court to expedite the trial.

(Arun Kumar, J)

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