

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55090 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -BEGUSARAI RAIL P.S. District- BEGUSARAI

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Satyendra Kumar S/o Late Amir Singh, R/o Village- Berauti, P.S.- Deep Nagar, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukund Mohan Jha, Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 24-01-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

This is the second round of litigation. Earlier, the bail application of the petitioner was dismissed as withdrawn vide order dated 17.10.2017 passed in Cr. Misc. No. 46962 of 2017. Petitioner is languishing in judicial custody since 23.04.2017 in connection with Begusarai Rail P.S. Case No. 09 of 2017 pending in the Court of learned Additional Sessions Judge-1-cum- Special Judge, N.D.P.S. Act, Begusarai registered for the offences punishable under Sections 20 and 22 of the N.D.P.S. Act.

The prosecution case, as lodged by the police personnel, is that during checking at the railway station, petitioner



was apprehended along with two others. From the possession of the petitioner, 20.300 kilograms of ganja was recovered. 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 nothing has been recovered from his possession. The police has falsely implicated and taken his signature on a plain paper and the bag and attaché from where alleged incriminating article was recovered, does not belong to him. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner was caught red handed by the police with contraband items and huge quantity of ganja was recovered from the possession of the petitioner.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly, rejected.

(Nilu Agrawal, J.)

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