

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50800 of 2018

Arising Out of PS. Case No.-802 Year-2017 Thana- HAJIPUR District- Vaishali

Akash Kumar @ Dhaula S/o Late Naresh Sah, R/o Vill.- Krauti Chowk, P.S.-
Hajipur Town, District- Vaishali. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anita Kumari Singh

For the Opposite Party/s : Mr.Sri Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 17.11.2017 in a case registered for the offences punishable under Sections 467, 468, 471, 120B, 420 of the Indian Penal Code and Sections 8, 20(b) (ii) (B) of NDPS Act.

The prosecution case as per the self statement of Sunil Kumar, Inspector of Police -cum- Station House Officer of Hajipur Town P.S. is to the effect that on 16.11.2017 he received an information that there is tenant in the house of Shambhu Rai, who deals in the smuggling of Ganja, ultimately raid was conducted and 25.300 kgs. Ganja and other articles were recovered in presence recovered from the possession of the petitioner in the presence of one Nepali Khulkhari and the



petitioner also accepted his involvement in the smuggling of the said contraband, leading to registration of the case.

It is submitted by learned counsel for the petitioner that there is no document with regard to tenancy of the house in question in favour of the petitioner and admittedly the owner of the said house is one Shambhu Rai, hence, recovery can be treated from the possession of Shambhu Rai and not from the possession of the petitioner.

Learned APP after going through the case diary submits that during investigation has been found that the house belongs to Shambhu Rai and the petitioner is a tenant and recovery has been made from his possession.

Considering the fact that the commercial quantity of Ganja has been recovered from the room which was found by the raiding party in possession of the petitioner, as gets reflected from the FIR and in view of the embargo under Section 37 of the NDPS Act, coupled with the fact that the petitioner is having criminal antecedent, this Court is not inclined to grant bail to the petitioner in connection with Hajipur Town P.S. Case No. 802 of 2017, pending in the Court of learned Additional Sessions Judge-I, Vaishali at Hajipur.

Accordingly, the prayer for bail of the petitioner is



rejected for the present.

Let the trial be expedited.

(Dinesh Kumar Singh, J)

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