

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78013 of 2018

Arising Out of PS. Case No.-160 Year-2018 Thana- BYPASS District- Patna

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Lakhan Mahto @ Lakhandeo Kumar S/o Ramashish Mahto, R/o Malipur Jagdamba Asthan, P.S.- Nagar Hazipur, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Sri Satyendra Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 22-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with By-Pass P.S. Case No. 160 of 2018 registered for the offences punishable under Sections 20 and 22 of Narcotic Drugs and Psychotropic Substance Act, 1985.

Informant has stated in his written complaint that on receiving direction from Higher Authorities, he was checking the vehicles and during said checking, one tempo on which 9-10 passengers were sitting and from which petitioner who was carrying one black colour bag tried to flee away on seeing the police. However, he was apprehended after chase and from search of the bag 9 kg. Ganja was recovered.

It has been submitted on behalf of the petitioner



that he is innocent and has committed no offence. He has been falsely implicated in this case only on the basis of suspicion. Nothing was recovered from his possession and he has no criminal antecedent and he is in custody since 27.05.2018. The recovered Ganja is also less than the commercial quantity and charges has also been framed against the petitioner. Petitioner is in custody since 28.05.2018.

Considering the recovery of 9 kgs. of Ganja from possession of the petitioner, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, after completing one year of the custody the petitioner would be at liberty to renew his prayer for grant of bail.

(S. Kumar, J)

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