

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19168 of 2020

Arising Out of PS. Case No.-763 Year-2019 Thana- KADAMKUAN District- Patna

Pramod Kumar @ Bhola S/o- Shankar Prasad Resident of Village- Saidpur
Khatal Gali, P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Jubair Ansari, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 24-08-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Kadamkuan P.S. Case no. 763 of 2019 registered under sections 448 and 34 of the Indian Penal Code and sections 20 and 22 of the NDPS Act.

As per allegation in the FIR, it is stated by the informant that two persons climbed the terrace of his house. On being asked to leave, they started to abuse. It is further stated that with the assistance of the guests who had arrived to attend the marriage in the family, the two accused persons including the petitioner herein were caught and about 9 grams smack was recovered from the person of this petitioner.

It is submitted by learned counsel for the petitioner that he belongs to a member of BPL and in order to earn his



livelihood he and his father used to drive transport vehicle of a private person. On the occasion of marriage, he had given his services as a driver and on asking for his wages, an altercation took place, the petitioner was assaulted and falsely implicated in the case. No incriminating article has been recovered from the possession of the petitioner and in fact the petitioner was brutally assaulted. He has no criminal antecedent and is in custody since 24.11.2019.

The application for bail is opposed by learned APP for the State who submits that 9 gms of smack/heroin was recovered from the conscious possession of the petitioner.

Having heard learned counsel for the parties and taking into consideration the fact that 9 gms of heroin was recovered from the conscious possession of the petitioner, which is more than the small quantity, the Court is not inclined to enlarge the petitioner on bail and as such his application for bail is rejected.

(Partha Sarthy, J)

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