

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8701 of 2023

Arising Out of PS. Case No.-247 Year-2022 Thana- MINAPUR District- Muzaffarpur

DEVANAND MISHRA S/O SURENDRA MISHRA R/v- Chako Chhapra,
P.S.- Meenapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 27-02-2023 Heard the parties.

This application has been filed on behalf of the petitioner for quashing of the order dated 07.12.2022 passed by learned Additional Sessions Judge, Muzaffarpur in N.D.P.S. Case No. 119 of 2022 arising out of Minapur P.S. Case No. 247 of 2022 by which the petition of the petitioner dated 13.10.2022 filed under Section 227 of the Criminal Procedure to discharge him under Section 8/20 (B)(ii)(A) of the N.D.P.S. Act has been rejected.

The prosecution story in short is that the informant Anil Roy, Sub Inspector of Police, Minapur Police Station, District Muzaffarpur submitted an application to S.H.O. Minapur Police Station, District- Muzaffarpur stating therein that on the date of occurrence i.e. on 23.05.2022 at 17.00 P.M. proceeded for conducting raid and special enquiry along with armed forces and reached Chako Chhapra. It is alleged that seeing the police force some people standing behind gumti



started fleeing away. The police force tried to apprehend the persons fleeing away on the basis of suspicion. Further it is alleged that in presence of two independent witnesses search was conducted three sachets containing Ganja like substance recovered from the pocket of Devnandan Mishra who confessed that he used to sell *Ganja* brought from Nepal and the weight of the ganja seized from the pocket of Devnandan Mishra is said to be 20gms. Accordingly Minapur P.S. Case No. 247 of 2022 was registered under Sections 20 / 22 of N.D.P.S. Act.

For framing of charge, a strong *prima facie* case is required and in the present case the learned Court below has found existence of strong *prima facie* case.

Therefore, in view of the law laid down by the Hon'ble Supreme Court in the case of *State of Karnataka (through Deputy Superintendent of Police) Vs. Saundra Rasu 2022 4 PLJR SC 4* and in the Case of *State of Bihar Vs. Ramesh Singh 1977 SCC (4) 39*, this Court is not inclined to allow the application of the petitioner.

Accordingly, this application is dismissed.

(Sandeep Kumar, J)

Vikas/Shishir

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