

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15165 of 2023

Arising Out of PS. Case No.-196 Year-2019 Thana- MUZZFARPUR GRP CASE District-
Muzaffarpur

MD. AFTAB ALAM S/o Md. Ansarul Haque R/o Village- Kachubari, Tadwa
Tola, P.S.- Harpur, Adapur, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-03-2023 Heard the parties.

This application has been filed on behalf of the petitioner for quashing the order dated 07.09.2021 by learned Additional District and Sessions Judge, Muzaffarpur in N.D.P.S. Case No. 35 of 2019 arising out of Rail (Muzaffarpur) P.S. Case No. 196 of 2019.

The prosecution story in short is that one Dilip Kumar Pathak, P.S.I. in Rail Thana, Muzaffarpur has submitted his report before the S.H.O., Rail P.S. Muzaffarpur alleging therein on 30.09.2019 that on a secret information he conducted raid at Platform No. 01 and apprehended the petitioner and on search, 20 tablets of Ativan Tablet and other articles have been recovered from the possession of the petitioner. It is further stated that other accomplice of the petitioner have succeeded in fleeing away. Thereafter the recovered articles were seized and



accordingly seizure list has been prepared and on the basis of aforesaid written statement, Rail (Muzaffarpur) P.S. Case No. 196 of 2019 has been registered.

I have examined the order and other materials available on record. By a detailed order the discharge application has been rejected.

The Hon'ble Supreme Court in the case of *State of Bihar vs Ramesh Singh 1977 SCC 4 39* and *R. Soundirarasu vs State of Karnataka through D.S.P. 2022 4 PLJR 4 SC* has held that a strong prima facie case is enough for framing of charge.

The trial Court has found a strong prima facie case against the petitioner.

Considering the aforesaid facts as well as the law laid down by the Hon'ble Apex Court in the case of *State of Bihar vs Ramesh Singh (Supra)* and *R. Soundirarasu vs State of Karnataka through D.S.P. (Supra)*, this application is dismissed.

(Sandeep Kumar, J)

Vikas/Shishir

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