

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15146 of 2015

Arising out of PS.Case No. -616 Year- 2014 Thana -GAYA KOTWALI District- GAYA

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Sanjay Paswan, Son of Late Durga Paswan, resident of Mohalla -
Bageshwari, P.S. Kotwali, District – Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Syed Ehteshamuddin, Advocate.

For the Opposite Party : Mr. Awadhesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 10-06-2015 The petitioner is languishing in custody in connection

with N.D.P.S. Case No. 06 of 2015, arising out of Kotwali P.S.

Case No. 616 of 2014 for the offences instituted under Sections

21, 22 and 23 of the N.D.P.S. Act.

Heard learned counsel for the petitioner and learned
counsel for the State.

The prosecution story, in brief, is that on 19.11.2014,
the informant learnt that one person is selling heroin. On this
information, he alongwith the police party proceeded towards that
direction. It is said that one person on seeing them starting running
away who was subsequently apprehended. On being asked he
disclosed his name as Sanjay Paswan. In presence of two
witnesses, he was searched and some packets of heroine were

recovered. Seizure list was accordingly, prepared.

Vide order dated 10.04.2015, a report from the court of the learned Additional Sessions Judge-Ist, Gaya, was called for whether the seized articles in connection with N.D.P.S. Case No. 06 of 2015, arising out of Kotwali P.S. Case No. 616 of 2014, was sent for chemical examination or not ?.

The report is placed at Flag-A to the present application. From perusal of the report, it appears that neither the sample was collected according to law nor it was sent for chemical examination before submission of the charge sheet in the present case. Though the allegation is that some contraband like substance is said to have been recovered from possession of the petitioner but due to laches on the part of the Investigating Officer for the reason best known to him he has tried to destroy the evidence of the prosecution. In the circumstances, this Court has no other option but to enlarge the petitioner on regular bail as it has not been ascertained whether the seized article is contraband substance or not ?

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional

Sessions Judge, Gaya, in connection with N.D.P.S. Case No. 06 of 2015, arising out of Kotwali P.S. Case No. 616 of 2014.

It would be appropriate that this conduct on the part of the Investigating Officer should be brought to the notice of the District Magistrate, Gaya, and Senior Superintendent of Police, Gaya, so that such conduct on the part of the Investigating Officer conducting the investigation of such serious nature of offence, could be prevented.

Let a copy of this order be sent to the District Magistrate, Gaya, and Senior Superintendent of Police, Gaya, for information and necessary action.

U.K./-

(Sudhir Singh, J)

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