

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34095 of 2015

Arising out of PS.Case No. -424 Year- 2014 Thana -BARACHATTI District- GAYA

Shambhu Sao

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

Appearance :

For the Petitioner : Mr. Rahul Nath, Advocate.

For the Opposite Party : Mr. Satyendra Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER

4 23-11-2015 Heard learned counsel for the petitioner and learned  
counsel for the State

The petitioner is languishing in custody since 30.08.2014  
in connection with Barachatty P.S. Case No. 424 of 2014 for the  
offences instituted under Sections 20 and 22 of the NDPS Act.

The prosecution story, in brief, is that on the disclosure  
made by the accused Mukesh Kumar Keshri, 39 Kgs. of Ganja and  
8 Kgs. of white powder were recovered from the house of this  
petitioner.

It has been submitted on behalf of the petitioner that the  
petitioner has got no criminal antecedent. The petitioner is in  
custody since 30.08.2014 and the charge sheet has been submitted  
in the case. There is no allegation of tampering of the evidence  
against the petitioner. As per prosecution case, 39 Kgs. of Ganja

and 8 Kgs. of white powder are said to have been recovered from conscious possession of the petitioner. The petitioner has falsely been implicated in the present case. No procedure of seizure has been followed in the present case.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and there is recovery of 39 Kgs. of Ganja and 8 Kgs. of white powder from conscious possession of the petitioner. From perusal of the FSL report, it appears that the recovered substance is said to be Ganja.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Barachatti P.S. Case No. 424/2014, pending in the court of the learned Sessions Judge, Gaya. Anyhow, the learned court below is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of one year from the date of receipt/production of copy of this order.

Let the F.S.L. report be sent back to the office of the Director, Forensic Science Laboratory, Bihar, Patna.

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**(Sudhir Singh, J)**