

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40401 of 2015

Arising Out of PS.Case No. -99 Year- 2015 Thana -BODHGAYA District- GAYA

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Sheo Kumar Manjhi Son of Ram Vilash Manjhi, Resident of Village -
Manjhouli, Police Station - Mohanpur, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.49230 of 2015

Arising Out of PS.Case No. -99 Year- 2015 Thana -BODHGAYA District- GAYA

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Shakti Kumar @ Pappu Kumar @ Pappu Son of Shyam Sundra Prasad,
resident of Simariya, P.s. - Mohanpur, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.40401 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Jitendra Kumar Rai 1 (App)

(In Cr.Misc. No.49230 of 2015)

For the Petitioner/s : Mr. Nityanand

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 17-12-2015 Since both petitions arise out of Bodh Gaya P.S. case no.

99 of 2015, they have been heard together and are being disposed

of by this common order.

The petitioners seek bail in a case instituted under

Sections 18, 20, 22, 25A and 27A of the Narcotic Drugs and

Psychotropic Substances Act.

Allegation against the petitioners is that huge quantity of raw Afim and powder of Opium tree have been recovered from their possession.

It has been submitted on behalf of the petitioners that they have got no criminal antecedent. They are in custody since 27.3.2015. Chargesheet has been submitted in the present cases. There is no allegation of tampering of evidence against the petitioners. Petitioners have been made accused due to mistake of fact. In fact, no recovery has been made from the possession of the petitioners. No compliance under Section 50 of the Narcotic Drugs and Psychotropic Substances Act has been made while preparing the seizure.

On behalf of the State, it is submitted that petitioners are named in the F.I.R. and they were apprehended at the spot along with contraband substances which were nine litres in liquid and 10 kg. in the form of powder.

Forensic Science Laboratory report was called for, same is received and opened. From perusal of the Forensic Science Laboratory report it is evident that the seized articles are narcotic drugs.

Considering the aforesaid facts and circumstances, I am

not inclined to grant bail to the petitioners, same is rejected.

Any how, the court below is directed to take all necessary steps to expedite the trial in connection with Bodh Gaya P.S. case no. 99 of 2015 and conclude the same preferably within a period of one year from the date of receipt/production of a copy of this year.

Let Forensic Science Laboratory report be returned to the office of the Director, Forensic Science Laboratory, Patna.

(Sudhir Singh, J)

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