

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32958 of 2015

Arising out of PS.Case No. -39 Year- 2015 Thana -KHAIRA District- JAMUI

Bhairo Roy, Son of Late Fusan Roy, resident of Village - Chananwar, P.S. -
Khaira, District - Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajit Kumar, Advocate.

For the Opposite Party : Mr. Bharat Lal(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 24.02.2015
in connection with NDPS Case No. 02 of 2015, arising out of
Khaira P.S. Case No. 39 of 2015 for the offences instituted under
Sections 15, 17 18 and 46 of the NDPS Act.

The prosecution story, in brief, is that on 24.02.2015 at
3.30 ‘O’ clock, the informant received telephonic message from
the S.P., Jamui, that illegal opium agriculture is being done. At
this, the Additional S.P. organized team in which Shri Vivek
Kumar, Deputy Commanded C.R.P.(C) alongwith the police
personnels reached at village-Chantar and saw that illegal opium
agriculture work was done in a field and they interrogated the



villagers and he told that the land belongs to accused Bhairo Roy of village-Chanantar. Thereupon with the help of the police force they raided the house of Bhairo Roy and search was done and apprehended the accused Bhairo Roy and recovered 1 Kg. 400 Grams of opium Tandal in presence of independent witnesses and prepared the seizure list. Thereafter, they found the crops of opium plant in presence of witnesses and recovered 50 opium Tandal and seized the same.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 24.02.2015 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, 1 Kg. 400 Grams of opium is said to have been recovered from possession of the petitioner which is much below the commercial quantity of 2.5 Kg. The F.S.L. report is said to have been received in a sealed cover, same is opened in the Court room. From perusal of the FSL report, it appears that the recovered substance is opium.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and from his conscious possession the alleged contraband is said to have been recovered and FSL report also indicates that the recovered substance is opium.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in NDPS Case No. 02/2015, arising out of Khaira P.S. Case No. 39/2015, pending in the court of the learned Additional District Judge-Ist, Jamui. 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, Government of Bihar, Patna.

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(Sudhir Singh, J)