

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13887 of 2014

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1. Anil Kumar S/o Shri Kanhaiya Lal Prasad, resident of village- Madhopur, P.S.- Barauli, District- Gopalganj (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector-cum-District Magistrate, Siwan, District- Siwan.
3. The District Supply Officer, Siwan, District- Siwan.
4. The Superintendent of Police, District- Siwan.
5. The Sub-divisional Police Officer, Siwan Sadar, Siwan.
6. The Officer-in-Charge, Siwan (Town) Police Station, Siwan.
7. The Director, Forensic Science Laboratory, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Respondent/s : Mr. GA3- V.K.SINGH

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-07-2015

The Court is not satisfied with the bona fide of the Director, Forensic Science Laboratory, Government of Bihar, Patna as to why it should take more than two years for a chemical analysis of a sample seized from a tanker lorry as to what the product was.

It cannot be a co-incidence that after a favourable order was passed by the Collector, Siwan on 16.1.2014 in E.C. Case No. 27/2013-14, a report was sent by the Director, Forensic Science Laboratory, not to the Collector but to the Chief Judicial Magistrate.

Many a things are amiss in the manner in which Forensic Science Laboratory is being run in the State of Bihar. Whether it is being run for the benefit of the accused or it is for the benefit of criminal justice delivery system, is for the superior authorities to examine and decide. Even earlier the Court have

had occasion to comment on the functioning of the Forensic Science Laboratory of Bihar but nothing much seems to have changed. Even if, its reflection are not there in the end result.

The order of the Collector, contained in Annexure-15, annexed with the supplementary affidavit of the petitioner, is hereby set aside because it is passed on a non est or absence of real material and a misdirected order has been passed.

The Collector, Siwan, is directed to now decide the matter afresh taking into consideration the report of the Forensic Science Laboratory, contained in Annexure-A, which is dated 14.3.2014.

The Director, Forensic Science Laboratory, will ensure that a copy of this report is also communicated and received by the Collector, Siwan, within a week from today. The Collector thereafter will hear the parties and decide the matter afresh within a period of four weeks thereafter.

The personal appearance of the Director, Forensic Science Laboratory, is hereby dispensed with.

Writ application is disposed of with above direction.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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