

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34665 of 2014

Arising Out of PS.Case No. -65 Year- 2012 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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1. Mahesh Srivastava son of Binod Srivastava @ Om Binod Prasad
Resident of village Bata Chowk , P.S. . Hariya , O.P .Raxaul District
East Champaran .

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 24-04-2015 Heard learned counsel for the petitioner as well as

learned APP.

One Santosh Kumar Gupta was apprehended on

account of having been identified as a carrier and from whose

possession, 50 grams of brown sugar is said to have been

recovered on search. It is also evident that during course of

interrogation, the aforesaid Santosh Kumar Gupta had disclosed

that this petitioner, Mahesh Srivastava has paid Rs. 2000/- for the

aforesaid purpose. It is also evident from the case diary that

charge-sheet had already been submitted against Santosh Kumar

Gupta while investigation kept pending against the petitioner.

From Annexure-2, the order dated 30.01.2013

passed in Cr.Misc.No.37082/2012, it is apparent that report was

called for from FSL which was looked into and found that the FSL

report rules out the seized material to be the brown sugar and on that very basis, Santosh Kumar Gupta was released on bail.

Though the charge-sheet had already been submitted, the reason best known to the prosecution, the FSL report which has been called for by the High Court was never acknowledged by the Investigating Officer nor the Investigating Officer cared to have the FSL report received from FSL.

Accordingly, petitioner is directed to surrender before the learned lower court with a prayer for bail which the learned lower court will consider the same favourably on account of FSL report keeping in view the prospect of prosecution version.

With the aforesaid observation, the instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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