

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43273 of 2014

Arising Out of PS.Case No. -116 Year- 2000 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

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1. Lagandeo Rai Son of Late Ganga Sagar Rai Resident of Village-
Saidabad, P.S.-Raghopur, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Narain Pd. Sinha, Sr. Advocate
Mr. Mukesh Kumar, Advocate

For the Opposite Party/s Mr. R.P.S. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

05/ 06.05.2015 Affidavit is filed on behalf of the Officer-in-charge,
Raghopur police station district Vaishali in the light of direction given
by this court vide order dated 3.3.2015.

Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

The present case was registered against 14 named accused
persons on the accusation that in huge quantity cannabis plants were
recovered from respective fields of named accused persons.

So far as petitioner is concerned, it is alleged that not only
cannabis plants were recovered from his field but 40 kgs ganja were
also recovered from the house of the petitioner.

Admittedly, alleged recovery was made on 16.12.2000 and
after seizing of contraband articles, the same were kept in **Malkhana**.
Para 154 of the case diary reveals that seized articles had already been



destroyed and sample of seized articles including 40 kgs ganja had not been sent for chemical examination. Para 154 of the case diary was written by the Investigating officer on 5.7.2004 and thereafter para 158 of the case diary reveals that Investigating officer filed petition along with sample of seized articles before learned Sessions Judge, Hajipur for sending the sample for chemical examination. Para 164 of the case diary written on 21.4.2005 reveals that samples of seized articles including 40 kgs ganja were sent to Forensic Science Laboratory, Muzaffarpur where report was prepared and it was opined that seized articles were ganja.

Learned counsel appearing for the petitioner drew my attention towards annexure 2 of the supplementary affidavit and submits that son of the petitioner sought information from the concerned police station in respect of Sanha no. 212/2003 dated 15.12.2003 and it was reported by the Officer-in-charge of Raghapur police station that articles seized in the present case had already been destroyed for which Sanha no. 212/2003 dated 15.12.2003 was registered.

To connect the above stated Sanha no. 212/2003 with the present case, learned counsel for the petitioner drew my attention towards para 165 of the case diary in which Investigating officer has mentioned that seized cannabis plants of the present case had already been destroyed for which Sanha no. 212/2003 was made on 15.12.2003.

Learned counsel for the petitioner submitted that when seized articles had already been destroyed, it was not possible to send

sample of seized articles for chemical examination.

Admittedly, petitioner has been remanded in the present case and so far as rest accused are concerned, they have not been sent for trial.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also keeping note of this fact that the petitioner does not have any criminal antecedent, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Sessions Judge-cum- Special Judge (NDPS Act), Vaishali at Hajipur in Raghapur P.S. Case no. 116/2000.

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(Hemant Kumar Srivastava,J)

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