

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 11162 of 2015

Arising out of P.S. Case No. -1 Year- 2013 Thana -
GOVERNMENT OFFICIAL COMP. District-
VAISHALI(HAJIPUR)

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The Union of India through the Superintendent, Narcotics Control Bureau,, Patna Zonal Unit Ministry of Home Affairs, Govt. of India,67, Kautilya Nagar, P.O.- B.V. College, Patna-14.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Jasavindar Singh Son of Late Harbans Singh Resident of 288/104, Village, Arya, Nagar, Tehsil, Lucknow, District-Lucknow, Uttar Pradesh.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. T. N. Thakur, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-04-2015

The Petitioner seeks quashing of the order dated 09.02.2015 passed by the 1st Additional Sessions Judge-cum-Special Judge NDPS Act, Vaishali at Hajipur by which he has refused a petition for marking certain documents as exhibits in NCB/NDPS Case No. C2A1/2013.

It has been submitted on behalf of the Petitioner that due to advertence seizure list, statement of the accused and its memo could not be exhibited.

I find from the impugned order that the Court below denied the prayer on the evidence of P.W. 5 and P.W. 6 who deposed in support of the aforesaid

documents. However, when the documents were not exhibited the Court should have personally looked into the records of the case instead of routinely passing the impugned order.

In view of such, the matter is remanded to the Court below to pass appropriate order within a period of three weeks from the date of receipt of this order looking into the records of the case. He shall take all steps to ensure that justice is done and act in accordance with law.

It is needless to say that the Court below will notice the Counsel of the accused persons before any final order is passed.

With these observations, the application is disposed off.

Vikash/-

(Anjana Prakash, J.)

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