

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25897 of 2015

Arising Out of PS.Case No. -30 Year- 2014 Thana -BHANGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Raju Giri, S/o- Late Rajrindra Giri, R/v- Gahiri Koti, Mathiya Tola, P.s.-
Nautan, P.O.- Viktoria Mission, Distt.- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Satyendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 24-07-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Allegedly, petitioner was caught along with 10 kg.

charas.

Learned counsel appearing for the petitioner sought

bail of the petitioner on the grounds that the investigating officer

has violated the mandatory provisions of law. Continuing his

submission, he submitted that the informant has violated

mandatory provision of Section 50 of N.D.P.S. Act and similarly,

the investigating officer submitted defective (incomplete) charge

sheet which is clear cut violation of Section 167(2) of the Cr.P.C.

It is also submitted on behalf of the petitioner that up till now, no

F.S.L. report has been received and, therefore, there is nothing on the record to show that the seized article was charas.

From perusal of the impugned order of learned Additional Sessions Judge, I find that the charges have already been framed against the petitioner and, therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with N.D.P.S. Case No. 23 of 2014 arising out of Bhangha P.S. Case No. 30 of 2014 pending in the court of Additional Sessions Judge-VI, Bettiah, West Champaran stands rejected.

(Hemant Kumar Srivastava, J)

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