

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24384 of 2016

Arising Out of PS.Case No. -160 Year- 2011 Thana -KATRA District- MUZAFFARPUR

1. Bhikhari Sah S/o Revti Sah Resident of Village- Nawada PS Katra,
District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No.2(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 30-09-2016

Heard learned counsel for the petitioner
and the State.

Petitioner is languishing in custody since
08.04.2016 in a case registered for the offences punishable
under Sections 20, 22 of the Narcotics Drugs and
Psychotropic Substances Act.

The prosecution case is that as per
fardbeyan of the Chowkidar-IV/15, Ram Vilash Rai is to the
effect that during patrolling the informant received
information and found a motorcycle was parked near the
grocery shop of Randhir Kumar Singh. The informant found



a plastic packet of about five K.g. tied on the carrier of the motorcycle bearing registration no. BR-30C/3685. Apart from the packet kept on the carrier of the motorcycle one K.g ganja was recovered from the dickey of the motorcycle. The informant gave information to Katra Police, but in the meantime, Pawan Sahni and the petitioner came and cut the rope through which packet was tied on the carrier of motorcycle, thereafter Pawan Sahni escaped from the scene after taking away the packet of ganja kept on the carrier of motorcycle.

It is submitted by the learned counsel for the petitioner that motorcycle was found registered in the name of Abash. The petitioner has no concern with the motorcycle. Moreover, the Final Report (Charge-sheet) was submitted without transmitting the sample to Forensic Science Laboratory.

Learned counsel for the State was directed to seek instruction when the matter was adjourned on 26.07.2016. A show cause has been filed on behalf of Senior Superintendent of Police, Muzaffarpur, which reflects that the Investigating Officer did not transmit the sample to the F.S.L. nor any warrant or process under Sections 82 and 83 Cr.P.C. has been issued against the accused persons nor any verification was made with regard to present owner of the seized motorcycle and in that background the

department proceeding has been initiated against the concerned Investigating Officer.

It is further submitted by the learned counsel for the State that now the sample has been transmitted to Director, Regional F.S.L., Muzaffarpur on 06.09.2016 and Joint Director, Central Forensic Science Laboratory, Kolkata on 09.09.2016 which has been received in the said laboratory on 23.09.2016. The show cause of Senior Superintendent of Police reflects the casual manner in which the cases under the Narcotics Drugs and Psychotropic Substances Act are being registered and investigated.

It is surprising that a statement has been made in the show cause that the Final Report (Charge-sheet) was submitted without permission of the authority. The Final Report is not on record to justify this stand of the Senior Superintendent of Police, Muzaffarpur.

Considering the fact that recovery was not made from the possession of the petitioner, statement has been made in para-3 of the petition that petitioner has no criminal antecedent and coupled with the laches in conducting the investigation as indicated above, let the above named petitioner, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special

Judge, Muzaffarpur in connection with Katra P.S. Case No. 160
of 2011.

P.K./-

(Dinesh Kumar Singh, J)

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