

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11293 of 2016

Arising Out of PS.Case No. -322 Year- 2014 Thana -FATUHA District- PATNA

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Sunil Kumar Singh S/o Late Ram Chandra Singh, R/o Mohalla - Dariyapur,
P.S. + P.O. Fatuha, District – Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Sahin Begum (APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 01-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is challenging the order dated 9th December 2014 passed in Special Case No. 64 of 2014 arising from Fatuha P.S. Case No. 322 of 2014 for offence under section 414/34 of the Indian Penal Code and sections 20/22 of the N.D.P.S. Act.

The counsel for the petitioner submits that the petitioner has nothing to do with the recovery made as he is resident of village Dariyapur and the recovery has been made in Kalyanpur village. He further submits that sample of recovered material was not sent for chemical examination so it is violation of N.D.P.S. Act. He further submits that when the sample has not

been sent then the trial cannot be proceeded, in such circumstances, the Court should not have taken cognizance of the offence and on this ground the order of cognizance should be quashed.

Having heard the counsel for the petitioner and the counsel for the State, the point the petitioner has argued is, his defence will be considered at the different stage, not at the present stage.

Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

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