

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44562 of 2016

Arising Out of PS.Case No. -12 Year- 2015 Thana -BARAULI District- GOPALGANJ

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1. Md. Bashir Mian @ Bashir Mian Son of Late Sadique Mian resident of
Village - Barauli, P.S. - Barauli, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyavrat Verma

For the Opposite Party/s Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 19.10.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under sections 21
and 22 of the NDPS Act.

Earlier prayer for bail of the petitioner was rejected by this
court taking note of allegation of recovery made from conscious
possession of the petitioner but submission on behalf of the petitioner
is that almost all prosecution witnesses have already been examined
but trial of the petitioner is pending since last six months awaiting the
presence of scientist who had prepared FSL report.

It would appear from the aforesaid submissions that FSL
report was produced before the trial court by the prosecution but the
genuiness of FSL report was challenged by the defence and on the
prayer of the defence, chemical examiner was called for by the trial
court and, therefore, petitioner can not make any blame on the

prosecution for delay in his trial.

Considering the aforesaid facts and circumstances as well as submissions of the parties, again, I am not inclined to release the petitioner on bail and hence, his prayer for bail in Trial no. 29/2015 arising out of Barauli P.S. Case no. 12/2015 pending in the court of Addl. Sessions Judge I, Gopalganj stands rejected. However, the learned trial court must expedite the trial of the petitioner and try to conclude the same as early as possible.

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(Hemant Kumar Srivastava,J)

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