

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29594 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -SIKTA District-
WESTCHAMPARAN(BETTIAH)

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1. Mohan Patel son of Late Chhathu Patel, resident of Village- Shyampur
Kotraha, Police Station- Nautan, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 31-08-2016 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since
31.1.2016 in a case registered for the offences punishable
under Sections 20,22,23,25(A) and 27(A) of the NDPS Act.

The prosecution case is that informant Kewal
Singh, being Head Constable of 13th Battalion, SSB,
intercepted the petitioner while coming from Nepal when
two bags were recovered from which 17 kilograms ganja
were recovered. The petitioner confessed that he purchased
the ganja from Nepal and brought the same to India for
sale.

It is submitted by the learned counsel for the

petitioner that the FIR was registered on 30.1.2016 when the sample of seized contraband was transmitted to FSL but without FSL report final report/charge sheet was submitted. More over, Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the nature of accusation, particularly, the fact that the case was also registered under section 27(A) of the Act, hence in view of the embargo under section 37 of the Act, this court is not inclined to grant bail to the petitioner in connection with NDPS Case No. 3 of 2016 arising out of Sikta P.S. Case No. 5 of 2016 pending in the court of learned Additional Sessions Judge II, Bettiah, West Champaran. This application, is accordingly, dismissed.

So far as delay in transmitting the sample of seized contraband is concerned, the petitioner will be at liberty to take that plea during trial. It is expected from the Director, FSL to transmit the FSL report forthwith to the learned trial court. The learned trial court is also expected to make all efforts to get the FSL report before the conclusion of the trial. However, the petitioner will be at liberty to renew his prayer for bail if the FSL report does not suggest that the



seized contraband was ganja.

Let the order be transmitted to Director, FSL,

Patna.

(Dinesh Kumar Singh, J)

Anil/-

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