

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26282 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -JADOPUR District- GOPALGANJ

Sanjay Rai son of Mahanth Rai Resident of Village -Naya Tola
Bhathwa,p.s.- yadopur, District- Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 05-09-2016

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
29.03.2016 in a case registered for the offences punishable under
Sections 8, 20, 22 of the NDPS Act.

The prosecution case is that the SHO
Yadopur Police Station received information on 29.03.2016 at
1.00 A.M. that in a Mango Orchard towards south of the house of
the petitioner Ganja has been stored for smuggling, consequently
raid was laid and 20 packets Ganja weighing 98.800 kgs. were
recovered and the petitioner was apprehended from the place of
seizure.

It is submitted by learned counsel for the

petitioner that the seizure cannot be treated from the possession of the petitioner and till date FSL report has not come.

Considering the commercial quantity of recovery coupled with the fact that the petitioner has been charge-sheeted, this Court is not inclined to grant bail to the petitioner in view of the embargo under Section 37 of the NDPS Act in connection with Yadopur P.S. Case No. 19 of 2016 pending in the court of learned Sessions Judge, Gopalganj.

Accordingly, the prayer for bail of the petitioner is rejected.

It is expected from Director, FSL to transmit the FSL report when it is expected from the learned court below to make effort to get the FSL report.

Let the trial be expedited.

Let a copy of the order be transmitted to the Director, FSL.

(Dinesh Kumar Singh, J)

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