

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23309 of 2017

Arising Out of PS.Case No. -52 Year- 2016 Thana -JIRADEI District- SIWAN

=====

1. Vijay Kumar Tiwari @ Bijay Tiwari, son of Late Baliram Tiwari,
Resident of Mohalla- Daxin Tola, P.S.- Siwan Town, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 12-10-2017 Heard learned counsel for the petitioner and learned

APP for the State.

The Petitioner seeks regular bail in connection with
Ziradei P.S. Case No. 52 of 2016, G.R. Case No. 4567 of 2016 for
offences alleged under Sections 20/22 of the NDPS Act.

The prosecution case, as lodged by the informant police
personnel, is that on secret information that some criminals are
planning to commit offence the police apprehended three persons
including the petitioner and two persons managed to escape from
the place of occurrence. From the possession of the petitioner 220
gms of '*Charas*' was recovered of which 25 gm of the same was
sent for forensic examination. Accordingly, seizure list was
prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has no criminal history although,



on the same day one other case has been instituted under Sections 399 & 402 of the IPC and Section 25(1-b)a, 26/35 of Arms Act against him bearing Ziradei P.S. Case No. 51 of 2016 in which he has already been granted the privilege of bail by this Court. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that by order dated 22.0.52017 FSL report of the alleged 'Charas' was called for from the Director, Forensic Science Laboratory, Patna. A report has been received in which it has been stated that the result of the examination shows that it was 'Charas'.

Considering the facts and circumstance and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage.

However, learned court below is directed to expedite the trial.

The registry is directed to send FSL report to the learned court below under sealed cover.

(Nilu Agrawal, J)

khushbu/-

U		T	
---	--	---	--

