

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29617 of 2017

Arising Out of PS.Case No. -83 Year- 2017 Thana -MOTIPUR District- MUZAFFARPUR

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Shankar Prasad Gupta S/o- Sri Vishwanath Sah, R/o Village- Senduari
Gajsingh, P.S.- Motipur, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 23-03-2018 This has come under the heading ‘To Be Mentioned’.

On perusal of order dated 14.9.2017 it appears that in title portion in place of “Cr.Misc.No. 29617 of 2017”, “Cr.Misc.No. 19617 of 2017” has inadvertently been mentioned as a result of which the party name and details regarding P.S.Case number, Thana name, District, etc. differ from the party name and details regarding P.S.Case number, Thana name, District, etc. of Cr.Misc.No. 29617 of 2017, as such, the order could not be transmitted to the court concerned. Later on, on the mentioning of learned counsel for the petitioner the defect was detected.

In the said circumstances, the order dated 14.9.2017 shall be treated to be passed in this case, i.e., Cr.Misc.No. 29617 of 2017 and not in Cr.Misc.No. 19617 of 2017 and for the sake of



convenience the order dated 14.9.2017 is reiterated as follows:

“Heard learned counsel for the petitioner.

This is an application for bail in connection with Motipur P.S.Case No. 83 of 2017 registered for the offences punishable under Section 20 of N.D.P.S. Act.

Allegation against the petitioner is of recovery of 30 kg. of intoxicants from the possession of the petitioner.

Submission of learned counsel for the petitioner is that nothing has been recovered from his conscious possession and the person who has seized the articles is not competent to do so and he is in custody since 3.4.2017.

Heard learned APP also.

Earlier FSL report was called for and from the report it appears that the articles contain “Morphin along with other alkaloids of opium was detected in the extract of brown coloured husk like vegetable substance.”

Having heard both sides and in view of facts and circumstances and also the FSL report, I am not inclined to grant bail to the petitioner.

However, as the petitioner is in custody, learned trial court is directed to expedite the trial.

With the above observation, this application is dismissed.

Let the FSL report be sent back forthwith.”



Let this order be communicated to the court concerned as well as to the learned District and Sessions Judge, Vaishali forthwith.

(Vinod Kumar Sinha, J)

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