

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31908 of 2017

Arising Out of PS.Case No. -81 Year- 2014 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

=====

Ash Narain Mukhiya Son of Late Budhan Mukhiya, Resident of Village-
Sisihani, P.S.- Pakridayal, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 13-09-2017 Heard the learned counsel for the petitioner as
well as the learned A.P.P. for the State.

The petitioner wants to renew his prayer for bail
which was earlier twice rejected by orders dated 15.10.2015 and
19.10.2016 passed in Cr. Misc. Nos. 28211 of 2015 and 36164 of
2016 respectively, on the ground that there is violation of Section
50 of the N.D.P.S. Act, no proper sampling was done at the spot
and as such the F.S.L. report received is not reliable. The trial has
not been concluded within nine months as directed by this Court
and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. seriously opposes prayer for
bail of the petitioner by submitting that from possession of the



petitioner 22 bags of charas weighing 11 Kgs was recovered for which he did not show any paper. The F.S.L. report also confirms that charas was found in the polythene packets which was sent for examination.

In the facts and circumstances stated above, finding no good ground for reconsideration of prayer for bail, again prayer for bail of the petitioner stands rejected in connection with N.D.P.S. Case No. 49 of 2014 arising out of Dumariya Ghat P.S. Case No. 81 of 2014/ G.R. No. 3327 of 2014 pending in the court of 3rd Additional District & Sessions Judge- Cum- Special Judge, N.D.P.S, East Champaran at Motihaari.

However, considering detention of the petitioner, let the trial be expedited and concluded as early as possible preferably within six months.

(Jitendra Mohan Sharma, J)

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