

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.820 of 2018

Arising Out of PS. Case No.-516 Year-2017 Thana- MADHEPURA District- Madhepura

Raja Ram Jaiswal @ Raj Ram Jaiswal, S/o Late Chandeshwari Choudhary,
R/o Vill+P.S-Laukaha, Distt-Supaul at present in the house of Sunil Kumar
Sinha, Mohalla-Purani Bazar, Dhobi Tola, Ward no. 4, P.S.+Distt-Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Kumar Virendra Narayan

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

7 07-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Madhepura P.S. Case no. 516 of 2017 registered for the offence
punishable under Sections 20 and 22 of the NDPS Act and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

250 gm. heroine is said to have been recovered
from shop of the petitioner and five bottles of foreign liquor
from his rented room and the petitioner was apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has no concern with
the seized article. He has been falsely implicated in this case at



the instance of his enemy by planting the aforesaid recovery from his shop and house. There is no compliance of Sections 42, 50 and 52 of NDPS Act. F.S.L. report has not been submitted in the Court despite sending letter and reminder and for want of the same, it cannot be said that the seized article is heroine. Petitioner has no criminal antecedent and has been languishing in custody since 27.08.2017.

On the other hand, learned APP vehemently opposed the bail prayer of the petitioner and submitted that besides recovery of foreign liquor, 250 gm. heroine was also recovered from the shop of the petitioner and he was apprehended. Hence, he does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of receipt/production of a copy of this order and S.P. Madhepura is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P.



Madhepura by fax for needful.

(Prakash Chandra Jaiswal, J)

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