

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2429 of 2017

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Ajijullah @ Ajijullah Devan, S/o Azeez Devan, resident of Village- Bela,
P.S.- Ramgarhwa, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director, Foreign Science Laboratory, Patna.
3. The District Magistrate, East Champaran.
4. The Senior Superintendent of Police, East Champaran.
5. The S.H.O., Raxaul Police Station, East Champaran, Motihari.
6. The I.O. of Raxaul P.S. Case No. 249/16, Raxaul Police Station, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Respondent/s : Mr. Md. Nadim Seraj (GP-5)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 09-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The present writ application has been filed for a
direction to the respondent no.2 to produce the laboratory report of
the seized so-called heroin which has been allegedly seized from
the possession of the petitioner and a case being N.P.D.S. Case
No.74 of 2016 corresponding to Raxaul P.S. Case No.249/16 has



been registered pending before the learned Special Judge, East Champaran, Motihari.

The grievance is very specific inasmuch as learned counsel for the petitioner submits that on one hand the Forensic Science Laboratory report is not produced and at the same time the petitioner is being deprived of the privilege of bail in absence of the report. Submission is that if the investigating officer or the Forensic Science Laboratory, Patna have failed in their duty to obtain/submit a report within a reasonable period of time, the petitioner cannot be allowed to suffer for their fault.

Presently, learned counsel for the State has no instruction in the matter to throw much light on this.

In the circumstances, considering the grievance of the petitioner which is limited to a direction upon respondent no.2 to submit a report, instead of keeping the present writ application pending, this Court would direct the investigating officer/respondent no.2 to act in accordance with law and obtain/submit the Forensic Science Laboratory report in connection with the seized material. Both the respondent no.2 and the F.S.L., Patna are directed in this regard to place the report in the court below within a period of two months from the date of receipt/production of a copy of this order.



The application stands disposed of with the observations and directions made above.

Arvind/-

(Rajeev Ranjan Prasad, J)

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