

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53628 of 2017

Arising Out of PS.Case No. -158 Year- 2017 Thana -UDWANTNAGAR District- BHOJPUR

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Pankaj Singh son of Late Brij Kishore Singh, resident of village- Masarh, Police
Station- Udwant Nagar (Gajrajganj), District- Bhojpur at Ara.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the State : Mr. Satyanand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 05-01-2018

This application under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') has been filed by the petitioner for quashing the order dated 14.09.2017 passed by the learned Sessions Judge, Bhojpur, Ara in connection with NDPS Case No.20 of 2017 arising out of Udwant Nagar (Gajrajganj) P.S. Case No.158 of 2017 by which he has rejected the application of the petitioner dated 13.09.2017 filed under Section 167(2)(a) of the Cr.P.C.

2. The petitioner has been made accused in Udwant Nagar (Gajrajganj) P.S. Case No.158 of 2017 registered under Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act. He was apprehended by the police on 01.06.2017 and was remanded to



judicial custody. On completion of investigation, the police submitted charge-sheet under Section 173(2) of the Cr.P.C. vide charge-sheet no.48 of 2017 dated 29.08.2017 in the court. The learned Sessions Judge took cognizance of the offences on 29.08.2017 itself. The petitioner filed an application under Section 167(2)(a) of the Cr.P.C. on 13.09.2017 for bail on the ground that an incomplete charge-sheet has been filed by the police. The contention of the petitioner is that though the contraband seized was sent for scientific report, the report of the Forensic Science Laboratory was not submitted along with the charge-sheet and, thus, the petitioner was entitled to be released on bail under Section 167(2)(a) of the Cr.P.C. The prayer of the petitioner has been rejected by the court below vide order dated 14.09.2017. The said order dated 14.09.2017 is under challenge in the present application.

3. I have heard learned counsel for the petitioner and perused the record.

4. I see no illegality in the impugned order passed by the court below. The police submitted their report within time and on perusal of the materials available on record, the Jurisdictional Court took cognizance of the offences. It is not for an accused to point out lacuna in investigation at this stage in order to claim his right to be released on bail. Once the investigation came to an end and the police



submitted report under Section 173(2) of the Cr.P.C. before the court within the stipulated period, an accused can be released on bail in terms of the provisions prescribed under Section 167(2) of the Cr.P.C.

5. Accordingly, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
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