

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12012 of 2019

Arising Out of PS. Case No.-17 Year-2019 Thana- PHULWARISHARIF District- Patna

RAHUL KUMAR @ CHHOTU, Son of Rajesh Kumar @ Rajesh Kumar
Singh, R/o Basisth Colony, Harnichak, P.S.- Phulwarisharif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 27-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
11.01.2019 in a case registered for the offence punishable
under Sections 20 and 22 of the NDPS Act.

It is alleged that from the possession of the petitioner
one sachet of Brown Sugar was recovered.

It is submitted by learned counsel for the petitioner
that the petitioner has been framed in the present case only on
the basis of suspicion. It is further submitted that there is
nothing on record to suggest that the sample of seized
contraband has been transmitted to FSL for its chemical



examination. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner. However, he further submits that the quantity of seized material has not been mentioned in the FIR.

It appears that the prosecution case got initiated on the basis of written report dated 09.01.2019 submitted by A.S.I., Mahesh Singh to the Station House Officer, Phulwarisharif Police Station under the provisions of NDPS Act, which is a quantity/weight based offence, but no quantity of the seized material has been mentioned in the FIR, which suggests that the investigation of the cases under the NDPS Act, particularly, in the capital town of Patna are being entrusted to such callous police officers.

Since the quantity of seized contraband has not been mentioned, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Sessions Judge-cum-Special Judge, Patna in
connection with Special Case No.03 of 2019, arising out of
Phulwarisharif P.S. Case No. 17 of 2019.

(Dinesh Kumar Singh, J)

Ashwini/-

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