

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29589 of 2020**

Arising Out of PS. Case No.-59 Year-2019 Thana- SHERGHATI District- Gaya

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DHANUK @ DHANUK YADAV @ DHIRU YADAV @ DHIRAJ YADAV
@ DHANNU YADAV, Son of Bangali Yadav, Resident of Village - Bankar
Paharpur, P.O. - Dariaura, P.S. - Amas, District - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 16-12-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-B)a, 26, 35 of the Arms Act, Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

According to FIR, 14 Kg. of Ganja along with firearm was recovered from possession of this petitioner, when the petitioner and co-accused were on two motorcycles.

Learned counsel for the petitioner submits that the petitioner is in custody since 19.02.2019 and co-accused Sujeet Kumar @ Golu, who was apprehended along with the petitioner,



has already been allowed bail by a Coordinate Bench of this Court vide order dated 08.05.2019 passed in Cr. Misc. No. 26143 of 2019 (Annexure-3).

From statement made in paragraph 3 of the bail petition it appears that the petitioner is accused in several serious cases of murder, *dacoity* etc. including a case under the Narcotic Drugs and Psychotropic Substances Act, 1985.

Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 provides that at the time of consideration of prayer for bail, the Court must be satisfied that there are reasonable ground for believing that the petitioner is not guilty of such offence and also the Court must have reason to believe that in the event of release, the petitioner would not commit such offence.

The scope and application of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, was considered by the Hon'ble Apex Court in the State of Kerala Versus Rajesh & Others reported in AIR 2020 SC 721.

In the factual background of this case, none of the aforesaid grounds are existing. Hence, I am not inclined to enlarge the petitioner on bail in connection with N.D.P.S. Case No. 01 of 2019 arising out of Special Case No. 15 of 2019 in



connection with Sherghatti P.S. Case No. 59 of 2019 pending in the Court of learned 6th Additional Sessions Judge, Gaya.

Trial is already going on.

The learned Trial Judge, Gaya is directed to expedite the trial of this case.

It appears that the seized narcotic was sent for F.S.L. report and the same is still pending.

Let the Director, Forensic Science Laboratory, Bihar, Patna be informed to take necessary step for transmission of the report to the learned Trial Judge so that the trial may not hamper.

Let a copy of this order be communicated to the Director, Forensic Science Laboratory, Bihar, Patna.

(Birendra Kumar, J)

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