

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66046 of 2019

Arising Out of PS. Case No.-381 Year-2019 Thana- MUFFASIL District- West Champaran

Manish Kumar, Son of Naresh Prasad Yadav, Resident of Village - Professor Colony, Ramlakhan Singh Yadav College, Bettiah, P.S.- Muffasil (Bettiah), District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar- Advocate

For the Opposite Party/s : Mr. Dinesh Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

4 04-06-2020 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner is in custody since 10.07.2019 and seeks bail in connection with Muffasil (Bettiah) P. S. Case No.381 of 2019 registered for the offences punishable under Sections 21, 22, 23 of the N.D.P.S. Act.

One kilogram of *Charas* is said to have been recovered from the house of the petitioner, but submission on behalf of the petitioner is that petitioner was taken into custody by the police on 07.07.2019 without any rhyme and reason and subsequently, on 09.07.2019, the alleged recovery from the house of the petitioner was shown by the police and, thereafter, police lodged this false case against the petitioner.

Learned counsel for the petitioner further submits that



only two prosecution witnesses have been left to be examined and, therefore, if this Court is not inclined to release the petitioner on bail, this Court may direct the trial Court to expedite the trial of the petitioner as early as possible preferably within two months.

The record goes to show that this Court had sought F.S.L. report of seized article, but the letter of Superintendent of Police, West Champaran at Bettiah dated 27.11.2019 goes to show that up-till-now, F.S.L. report has not been received.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail stands rejected.

However, learned trial Court is directed to proceed with the trial of the petitioner expeditiously and conclude the trial of the petitioner within two months from the date when the Court becomes physically functioning and, furthermore, before disposing of the case, the trial Court must obtain the F.S.L. report from Forensic Science Laboratory, Patna.

(Hemant Kumar Srivastava, J)

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