

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14071 of 2021

Arising Out of PS. Case No.-489 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

AWINASH SINGH @ AVINASH SINGH @ ABHINAV KUMAR Son of
Bhagya Narayan Singh Resident of Village - Bauruya Baikunthpuri, P.S.-
Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyavrat Verma, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 04-10-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 20 and 22 of the N.D.P.S. Act to which section 414 of the Indian Penal Code was added subsequently.

As per the prosecution case, the accused persons were chased and caught by the police personnel. It is stated that they disclosed their names as Awinash Singh, the petitioner herein, and Saket Kumar. On search, about 600 gms of charas was recovered from possession of the petitioner and 500 gms of charas was recovered from the possession of co-accused Saket Kumar.

It is submitted by learned counsel for the petitioner



that allegations as levelled in the F.I.R. are false and concocted. The petitioner was arrested on 6.6.2020 and on conclusion of the investigation, chargesheet was submitted on 30.8.2020. Although cognizance was taken by order dated 24.9.2020, however, it is submitted that it is an admitted position that the same was done without there being any report of the Forensic Science Laboratory on record. It is further submitted that there was no material in course of investigation to come to the conclusion of recovery of charas from the petitioner and the order taking cognizance in the case itself is bad. So far as the other case which is fall out of the present case is concerned, the petitioner has been enlarged on bail in the said case vide order dated 1.9.2021 passed in Cr. Misc. no.14253 of 2021. The petitioner has no antecedent under the N.D.P.S. Act. He has remained in custody for 1 year 3 months.

The application for bail is opposed by learned A.P.P. for the State.

In the instant case, by order dated 20.9.2021, the report of the Forensic Science Laboratory was called for. As per the copy of the report dated 6.9.2021 of the office of the Director, Regional Forensic Science Laboratory Bihar, Muzaffarpur, the result of examination has been stated therein to



be that “THC (Tetrahydrocannabinol) could not be detected in the contents of plastic dibba as described above”.

Having heard learned counsel for the parties and taking into consideration the period in custody together with the contents of the report of the Forensic Science Laboratory and the submissions made on behalf of the petitioner, the Court directs the petitioner to be enlarged on bail in connection with Ahiyapur P.S. Case no.489 of 2020 (N.D.P.S. Case no.44 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 8th -cum-Special Judge, NDPS Act, Muzaffarpur.

(Partha Sarthy, J)

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