

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19415 of 2021**

Arising Out of PS. Case No.-355 Year-2020 Thana- UCHKAGAON District- Gopalganj

ABBAS ANSARI Son of Allauddin Ansari Resident of Village- Karariya
Thakurai, P.S.- Phulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra

For the Opposite Party/s : Mr.APP.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

7 07-12-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection Uchkagaon P.S.
Case no. 355 of 2020 registered for the offence punishable
under sections 8(c) and 21(a) of the NDPS Act.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.11.2020 and charge sheet has
been submitted.

Learned APP at the outset submits that counter
affidavit in the case has been filed. FSL report has been received
and certified that contraband to be charas and recovery of 935
gram little less than commercial quantity which is one kilogram.
Further learned APP submits that petitioner has 17 antecedents
as mentioned in para 3 of bail petition.



Learned counsel for the petitioner submits that though allegation is of recovery of 935 gram charas and the petitioner has antecedents which has been disclosed but still charge sheet came to be filed in absence of FSL report. Since FSL report was not on record when cognizance was taken of the offence under NDPS Act that prima facie shows that cognizance was taken in a mechanical manner and even the charge sheet came to be submitted in complete violation of section 30A(4) of NDPS Act.

Be that as it may since FSL report has come which certified to be contraband to be charas, the court is not inclined to grant bail to the petitioner and accordingly, his prayer for bail is rejected.

(Satyavrat Verma, J)

s.hassan/-

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