

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21279 of 2021**

Arising Out of PS. Case No.-698 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

SHASHI KUMAR SINGH SON OF RAMESH SINGH R/O VILLAGE-
CHAND PARASA, P.S.- KESHARIYA, DISTRICT- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.APP

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

4 23-11-2021 Learned counsel for the petitioner is permitted to make
correction in prayer portion of bail petition during course of the day.

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

Petitioner seeks bail in connection Gopalganj P.S. Case no.
698 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 from bare
perusal of the allegation as alleged in the FIR, it would manifest that
the informant who is ASI Town police station, Gopalganj has alleged
that he received secret information that a person was selling smack at
Ambedkar chowk and accordingly, he reached at the place of
occurrence and this petitioner was apprehend. Thereafter, it is alleged
that in presence of witnesses petitioner was searched and 11.42 gram
of smack like substance was recovered. Learned counsel for the
petitioner submits that FIR was instituted on 11.12.2020 and charge



sheet came to be filed on 22.3.2021 in absence of FSL report. Learned counsel next submits that when in the FIR, informant alleges that seized material was smack like substance that itself demonstrates that the informant was not sure about what he had seized as such in absence of FSL report, cognizance taken by the learned court below appears to be bad in law.

Learned APP vehemently opposed the prayer for bail but on query of the court as to how Investigating officer in absence of FSL report, submitted charge sheet confirming that the seized material was smack on that learned APP fairly submitted that in absence of FSL report, it cannot be said with certainty that seized material was smack.

Considering the facts that petitioner is in jail custody since 13.12.2020, charge sheet has been submitted in absence of FSL report and petitioner has one antecedent as mentioned in para 3 of the petition, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge I, Gopalganj in Gopalganj P.S. Case no. 698 of 2020 arising out of Trial no. 28/2020.

(Satyavrat Verma, J)

s.hassan/-

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