

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.360 of 2020

Arising Out of PS. Case No.-18 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. GURMAIL SINGH Son of Late Bakhshish Singh Resident of Village - Issanagar, H. No. B 1/106, P.S.- Maskunda, District - Jalandhar, State - Punjab.
 2. Dharmendra Son of Satya Narayan Paswan Resident of Village - Sotam Dabra, P.S.- Lesaliganj, District - Palamu, State - Jharkhand.
- Petitioners

Versus

1. THE STATE OF BIHAR
 2. Union of India through Intelligence Officer, Patna, Zonal unit, NCB, Ministry of Home Govt of India Bihar
- Respondents

Appearance :

For the Petitioner/s : Mr.Kumar Ranjit Ranjan, Advocate
For the Respondent/s : Mr.Satyanand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 08-03-2021 Heard learned counsel for the petitioners and Mr. Satyanand Shukla, APP for the State.

Petitioners, in the present case, is seeking setting-aside the order passed in Special Case No. 109 of 2019 (Gurmail Singh & others Vs. The State of Bihar) by the learned Additional Sessions Judge – XX, Patna on 06.03.2020. By the impugned order prayer for bail of the petitioners has been rejected.

On the last date of hearing, learned counsel for the petitioners had given this court to understand that on 3rd of March, 2020 no final form was submitted, therefore what has



been recorded in the impugned order dated 06.03.2020 is not correct. When this Court called for a report from the learned court below, the learned Additional District & Sessions Judge – XX, Patna has informed this court by its report No. 16/2021 that in fact on 03.03.2020 itself, the final form was filed belatedly, the learned Sessions Judge/Special Judge, NDPS Act perused the final form and on being satisfied took cognizance of the offences and transferred the records to the learned Additional Sessions Judge – XX - cum - Special Judge, Patna.

In today's hearing, learned counsel for the petitioners has informed this Court that petitioner was taken in custody on 06.09.2019, there is no dispute that the statutory period of investigation i.e. 180 days will come to an end on 4th of March, 2020 and the cause of action if any to apply for default bail shall arise to the petitioners on 05.03.2020. In fact, the petition seeking default bail was filed on 05.03.2020.

Learned counsel for the petitioners submits that on 3rd of March, 2020 when the second order was passed, no time was recorded.

It is true that in the later order the time has not been recorded and in a particular case this fact would have been crucial but so far as the present case is concerned, this Court



finds that 180 days of the statutory period is coming to an end on 4th of March, 2020, therefore it is crystal clear that on 4th of March, 2020 the charge-sheet was there on the record.

In the aforesaid view of the matter, this Court finds no reason to interfere with the impugned order.

This application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

