

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28281 of 2021

Arising Out of PS. Case No.-874 Year-2019 Thana- PATRAKARNAGAR District- Patna

GOLU KUMAR S/O SRI BABLU KUMAR R/o Mohalla- Mahatma Gandhi
Nagar, Near T.V. Tower, P.S.- Agam Kuan, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dudh Nath Singh, Advocate.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 03-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 30.10.2019,
seeks regular bail in connection with Patrakar Nagar P.S. Case
No. 874 of 2019 for the offence punishable under Sections
20/22 of the N.D.P.S. Act.

Th prosecution case in brief is that one person seeing
the police was trying to flee away, but he was apprehended by
the police and he disclosed his name as Golu Kumar (petitioner)
and on search 9 puria of brown sugar was recovered from his



possession.

Learned counsel for the petitioner submits that the petitioner has not committed any offence. Nothing has been recovered from his conscious possession. However the alleged recovery of brown sugar was found near the place where the petitioner was standing and on mere suspicion he has been made accused in the present case.

Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that from very perusal of the FSL report, it is apparent that the seized sample have been determined as Monoacetyl Morphine detected in the dark brown powdery substances, which is an addictive, intoxicating and narcotics substances. He further submits that from the impugned order, it would appear that the petitioner fled away from the custody of the police when he was being taken to jail from court for judicial remand.

Considering the aforementioned facts and circumstances of the case, conduct of the petitioner, criminal antecedent of the petitioner as mentioned in para-3 of the bail petition, the FSL report after chemical analysis of the seized item to be brown sugar which has been recovered from the possession of the petitioner has chemical composition of



Monoacetyl morphine which is an addictive, intoxicating and narcotics substances, I am not inclined to enlarge the petitioner on bail.

Accordingly, the present bail application is rejected.

The trial court is directed to conclude the trial expeditiously.

If no substantial progress takes place in the trial for considerable period of time, the petitioner, if so advised, may renew his prayer for bail.

(Purnendu Singh, J)

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