

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.240 of 2022

Arising Out of PS. Case No.-75 Year-2002 Thana- PAROO District- Muzaffarpur

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Satyendra Kumar Sinha @ Satyendra Kumar Shrivastava S/o Lare Ram
Nandan Srivastava R/o village- Mirzapur, Post- Bharpura, P.S.- Sonapur,
District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Nawnit Kumar Tiwary, Advocate

For the Respondent/s : Mr.Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

There are some SR defects. Learned counsel for the
petitioner undertakes to remove the SR Defects within two weeks
from today.

Heard on merit.

This revision application is directed against the order
dated 05.03.2022 passed by learned Special Judge – cum – Sessions
Judge, Muzaffapur in Paroo P.S. Case No. 75 of 2002 by which the
learned Sessions Judge has refused to discharge the petitioner.

The contention of learned counsel for the petitioner is that
the petitioner has been implicated in this case only because he is said
to be a registered owner of the motorcycle from which 13 kgs. of
ganja has been allegedly recovered. It is his submission that he had
already sold the vehicle in the year 1998 itself. Further submission of



learned counsel is that in this case there is no FSL report on record, therefore there is nothing to conclude that the alleged seized article was ganja. It is submitted that in such circumstances the learned Special Judge – cum - Sessions Judge, Muzaffarpur should have discharged the petitioner.

Learned counsel for the State has opposed this application.

Having regard to the submission noted hereinabove and on going through the impugned order, this court is of the considered opinion that at least for purpose of framing of charge there are sufficient materials exists in form of the admitted position that the petitioner happened to be the owner of the motorcycle from which 13 kgs. of Ganja has been recovered. The fact that he had sold the vehicle in the year 1998 may only be examined in course of trial. Further submission that there is no FSL report on record may be considered in course of trial only if the FSL report is not duly proved in course of evidence and what will be the effect of that is required to be considered by the learned trial court.

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

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

