

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30628 of 2021

Arising Out of PS. Case No.-332 Year-2020 Thana- RAJAOLI District- Nawada

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1. VISHNU EKKKA Son of Bandhana Ekka Resident of - Raurkela, I.B.C. Sector- B, P.S. - Kalung, District - Sundargarh (Odisha).
 2. Samir Dungdung Son of Bashil Dungdung Resident of Village - Burdiha, P.S.- Basjore, District - Simdega (Jharkhand). ...

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Mritunjaya Kumar Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

9 31-03-2022 Heard learned counsel for the parties.

Pursuant to the order dated 21.3.2022 the Investigating Officer of the case has appeared and produces a copy of the FSL report. The report is taken on record.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 20 and 22 of the NDPS Act.

As per the prosecution case, on secret information having been received the vehicles were searched and on search of the vehicle in question 150 kgs of ganja was recovered and the two petitioners who were the driver and khalasi were taken into custody.

It is submitted by learned counsel for the petitioners



that the petitioners have been falsely implicated in the case. No incriminating article has been recovered from their possession or from their vehicle. They are illiterate persons having no knowledge about the articles which were loaded by the owner of the vehicle. They earned their livelihood and are engaged on monthly salaries of Rs. 9000/- and Rs. 7000/- per month respectively. Without the FSL report being on record, the charge sheet was submitted. There has been no compliance of the various provisions of the N.D.P.S Act nor section 100 of the Cr.PC. The petitioners are in custody since 21.7.2020 and have no criminal antecedent. They undertake to cooperate in the trial and to abide by all the conditions which may be laid by this Court for their release.

The application for bail is opposed by learned APP for the State who submits that the petitioners were arrested and on search 150 kgs of ganja was recovered from their possession which they were carrying in the vehicle.

As per the report of the Forensic Science Laboratory, Bihar, Patna dated 18.3.2021 the substance recovered was found to be ganja.

Having heard learned counsel for the parties and taking into consideration the facts of the case specially the recovery of



150 kgs of ganja from the vehicle wherein the petitioners were present and contents thereof having been confirmed from the report of Forensic Since Laboratory, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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