

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24336 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- KOILWAR District- Bhojpur

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1. Munni Devi Wife of Shatrudhan Sahani, R/o- Village- Belgunda P.S.- Sarai Dist.- Vaishali.
 2. Surendra Suna Son of Abhi Suna, R/o- Village- Behara Gada, P.S.- Semali, District- Koraput, Orissa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 01-12-2022 From the office notes, it transpires that the F.S.L. report has not been received as yet as per computer verification even after sending reminder. There are two letters received from the Court of Additional District and Sessions Judge Xth, Bhojpur at Ara intimating that with the charge sheet F.S.L. report has not been filed, upon query from Special Public Prosecutor who apprise the court below that sample of contraband/narcotics in question had not been sent for examination, it is due to this reason no question of receiving of F.S.L. report shall arise in this case.

Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Name of counsel for Union of India has been mentioned in the list in this case, but he has not appeared today.

The petitioners seek regular bail in connection with N.D.P.S. Case No. 22 of 2022 arising out of Koilwar P.S. Case No. 17 of 2022, lodged under Sections 20(B)/(II-C)/22/27(a)/29 of N.D.P.S. Act.

As per prosecution case, the recovery of 13 Kg. 130 gram of *Ganja* has been made from a trolley bag with whom these 2 petitioners were apprehended.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He submits that the bag was recovered from the house of Nand Kishor Rai and petitioners have no concern with the said bag. He further submits that there is gross violation in preparation of seizure list, there is no local and independent witness available on record. He also submits that petitioners are in custody since 08.01.2022 having clean antecedent.

Upon specific query that whether charge has been framed in this case or not, learned counsel for the petitioner submits that, he is not in a position to confirm that whether

charge has been framed or not but charge sheet has been filed.

Learned counsel for the State opposes the prayer for bail and submits that from the F.I.R. itself, it is clear that the said recovery was made from the conscious possession of petitioners in the trolley bag which was in their possession and the said recovery is more than small quantity but less than the commercial quantity, it is in between.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners, therefore, bail application of petitioners is hereby rejected.

The trial court is directed to expedite the trial and liberty is hereby granted to the petitioners that they may renew their prayer for bail after 9 months of framing of charge.

(Dr. Anshuman, J.)

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