

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40333 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- AMAUR District- Purnia

MD. KASIM Son of Late Sahid Akhtar Resident of Village - Ward No.- 8,
P.S. - Amour, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 27.03.2021, seeks
regular bail in connection with Amour P.S. Case No. 90 of 2021
dated 26.03.2021 registered for offences punishable under
Sections 20 (b) (ii) (B) and 25 of the NDPS Act.

Prosecution case, in brief, is that on the basis of secret
information, police personnel raided the residential house of the
petitioner for verification as to whether Ganja (Marijuana) has
been kept. The raiding team found that 8.900 Kg of Ganja
(Marijuana) was kept in a plastic bag inside the room. The
petitioner does not possess any valid license.



Learned counsel appearing on behalf of the petitioner submits that due to grudge, enmity and dirty politics, petitioner has been roped in the present case. The petitioner has clean antecedent and earns his livelihood by earning as a daily wages labourer. There is no one to take care of his family members. He is in custody since 27.03.2021 and in absence of any concrete report by Forensic Science Laboratory, Muzaffarpur, it is not clear as to whether the seized article is Ganja (Marijuana).

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that the seized item cannot be verified in absence of F.S.L. report.

Considering the aforesaid fact and without going into the merits of the case, the Court below is directed to obtain F.S.L. report and determine actual content of narcotics and if it is found that the same is less than the commercial quantity, the petitioner, above named, is directed to be released on bail on such terms and conditions as fixed by the Court below.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

