

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46965 of 2021

Arising Out of PS. Case No.-224 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Ram Swaroop Sahni Son of Late Bisheshwar Sahni Resident of Village -
Koluha Paigambarpur, P.S. - Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 28-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
NDPS Case No. 24 of 2021 arising out of Ahiyapur P.S. Case
No. 224 of 2021 lodged under Sections 20, 22 of the NDPS Act.

As per the prosecution case, the total recovery of 180
Puriyas of smack was made from the tempo of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that petitioner is in custody since 22.03.2021, charge sheet has
already been filed in this case. He further submits that on the
early occasion, the weight of the recovered NDPS material has

not been provided in the F.I.R. It is due to this reason, this Court has pleased to call for an FSL report in this case. He submits that there is one criminal antecedent of the petitioner which is of NDPS in which he is on bail. Learned counsel for the petitioner submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the petitioner submits that petitioner is accused in NDPS material and he has criminal antecedent also of same type of case. He also submits that from the FSL report, it transpires that 180 *Puriyas* is equivalent to 90 gm of smack which is more than smaller quantity but lesser than the commercial quantity.

Upon specific query that whether charge has been framed in this case or not, learned counsel submits that as per his knowledge, charge has not been framed in this case till date.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present but liberty is hereby granted to the petitioner to move for bail 10 months after framing of charge. The Court below is directed to expedite the trial at the earliest.

The sealed FSL report alongwith the case diary is directed to return to the Trial Court.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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