

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48861 of 2021**

Arising Out of PS. Case No.-102 Year-2021 Thana- MANIYARI District- Muzaffarpur

ALOK KUMAR Son of Anil Prasad Sah @ Anil Sah Resident of Village -
Ratanpur Kewat, P.S.- Sakara, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

6 10-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Maniyari P.S. Case No. 102 of 2021, dated 24.03.2021, N.D.P.S.
Case No. 27 of 2021 instituted for the offences under Sections
414/34 of the Indian Penal Code read with Sections 20 and 22 of
the Narcotic Drugs and Psychotropic Substances Act, 1985.

In compliance of the order dated 21.02.2022, the
Senior Superintendent of Police, Muzaffarpur along with the
Investigating Officer of the case and the Regional Director,
FSL, Muzaffarpur are present.

The Senior Superintendent of Police, Muzaffarpur at
the very out set accepts his mistake and submits that while
sending the samples to the FSL, the samples were not marked
according to the accused. The Senior Superintendent of Police,



Muzaffarpur undertakes to look into the matter.

The Investigating Officer of the case is also present and he very fairly accepted that during the course of investigation, he was a trainee and, as such, did not have the requisite experience, mistake might have committed, the Court accepts his submission.

Learned counsel for the petitioner submits that from perusal of the FSL report, it would manifest that the same records that Monoacetyl Morphine and Nicotine were detected in the content of envelop previously marked as 01, Brucine and 6-Monoacetyl Morphine were detected in the contents of envelop previously marked as (02) and Nicotine was detected in the contents of envelop previously marked (3) and (4). Thus, learned counsel submits that since the alleged narcotics were sent to the FSL without specifying that the aforesaid four packets belong to which of the accused. It is difficult to submit with certainty that the narcotics were found in two of the envelopes belong to which of the accused. Learned counsel further submits that nicotine is not a narcotic.

The Regional Director, FSL, Muzaffarpur very fairly submits that nicotine is not a narcotic, though it helps if taken in a lessor quantity as a stimulant and if taken in a large quantity as



a muscle relaxant.

The learned counsel for the petitioner submits that since with certainty it cannot be said that from which of the accused the narcotics were found and from which accused nicotine were found, as such, the petitioner deserves to be released on bail as he cannot be kept in custody based on surmises and conjectures.

After hearing the Senior Superintendent of Police, Muzaffarpur, the I.O. of the case and the Regional Director, FSL, Muzaffarpur and the learned counsel for the petitioner and the learned A.P.P. for the State, the Court directs the release of the petitioner, above named, on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Maniyari P.S. Case No. 102 of 2021, N.D.P.S. Case No. 27 of 2021.

The Court further hopes that the Senior Superintendent of Police, Muzaffarpur will personally look into the matter as he has submitted that further investigation in the case will be done as per the FSL report.

The personal appearance of the Senior Superintendent



of Police, Muzaffarpur along with the Investigating Officer of the case and the Regional Director, FSL, Muzaffarpur is dispensed with.

(Satyavrat Verma, J)

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