

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42682 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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SANTOSH SAHANI @ SANTOSH KUMAR Son of Shivbalak Sahani
Resident of Village - Hathiyahi, P.S.- Pipra Kothi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-10-2022

Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 414, 420, 467, 468 and 34 of the Indian Penal Code, sections 25(1-B)(a), 26 and 35 of the Arms Act and sections 20, 23 and 25 of the N.D.P.S. Act.

As per the prosecution case, about 600 grams of *charas* is said to have been recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 17.1.2022 (Annexure-1). There is no progress in the learned trial court. The Forensic Science Laboratory report does



not support the prosecution case. The petitioner is in custody since 18.1.2021 and has no criminal antecedent. He undertakes to cooperate in the trial.

The prayer for bail is opposed by learned APP for the State.

A report from the learned trial Court as also the Forensic Science Laboratory report was called for. As per the report received from the Central Forensic Science Laboratory, the substance examined and the chemical tests and analysis carried out gave negative tests for presence of cannabinoids or active components of vegetative material of poppy plant in both the exhibits instead gave positive tests for presence of nicotine. Further from the report of learned trial court contained in letter dated 24.9.2022, charge has still not been framed.

Having heard learned counsel for the parties and taking into consideration the contents of the FSL report together with the report from the learned trial court wherein it is stated that charge has still not been framed and the petitioner having remained in custody since 28.1.2021, the petitioner is directed to be enlarged on bail in connection with Motihari Mufasil P.S. Case no. 33 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned Chief Judicial Magistrate,
East Champaran, Motihari.

(Partha Sarthy, J)

Spd/-

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