

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71865 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- MUFFASIL District- Aurangabad

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Ramayodhya Mahto @ Raghu Son of Vishwanath Mahto Resident of village -
Bibiganj, P.S.- Udwanthnagar, District - Bhojpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 13-10-2022 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
Aurangabad (Mufassil) P.S. Case No. 92 of 2021 lodged under
Sections 8/20(b)(ii)(c)/29 of N.D.P.S. Act, 1985.

As per the prosecution case, the police team during
search on Aurangabad – Amba Road N.H.-139, near Chatra Mor
stopped truck. During search, the driver of the truck started
fleeing but he was caught by the police party. There were two
truck drivers, the petitioner and another Vinod Yadav. In his
presence, total 2285.310 kg Ganja was recovered from the hood
and back box of the driver.

Learned counsel for the petitioner submits that petitioner was not apprehended from the truck from which the Ganja was recovered. He further submits that a defective seizure list has been prepared in complete violation of Section 100 of Cr.P.C. He further submits that charge sheet has been filed without F.S.L. report. He submits that petitioner's antecedent is clean and he is in custody since 22.04.2021. Learned counsel for the petitioner relied on an order dated 02.12.2021 passed in Cr. Misc. No. 21326 of 2021 in which bail was granted to the petitioner of the said case on the ground that charge sheet was filed without F.S.L.

Learned counsel for the State opposes the prayer for bail and submits that the total recovery in this case is much more than the commercial quantity of the N.D.P.S. goods. He further submits that the said case is not applicable in the present one due to the reason that after filing of charge sheet without F.S.L., the petitioner of the referred case moved for bail under Section 36(A) of the N.D.P.S. Act and upon rejection, he moved to the High Court whereas in the present case it is not shown and, therefore, the ratio of the present case is not applicable for the petitioner's case.

In the present facts and circumstances of this case and

the submissions made above, I am not inclined to grant bail to the petitioner, therefore, the bail application of the present petitioner is hereby rejected.

It is directed to the Trial Court to expedite the trial as earliest as possible within one year from the date of framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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