

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17725 of 2023

Arising Out of PS. Case No.-192 Year-2021 Thana- RAXAUL District- East Champaran

SUGANDHI DEVI @ SUGANTI DEVI Wife of Jay Lal Sahni Resident of
Village- Dhab Tola, Ward No.-4, Panapur, P.S.- Harisidhi, District- East
Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Superintendent of Narcotic Control Beuro,
Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anshu Dhar Sharma
For the Opposite Party/s	:	Mr.Nawal Kishore Prasad
		Mr. Manoj Kumar Singh, CGC
		Mr. Ankit Kumar Singh, JC to CGC

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 19-04-2023 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

The petitioner renews her prayer for regular bail in
connection with N.D.P.S. Case No. 41 of 2021 (arising out of
Raxaul PS Case No. 192 of 2021) dated 31.05.2021 registered
for the offence under Sections 20(b)II(c) / 23(c) / 25 of the
N.D.P.S. Act.

As per the seizure list 03 KG of *Charas* has been
recovered from the possession of the petitioner.

Learned counsel for the petitioner while renewing
prayer for bail submits that charge sheet has been submitted



against the petitioner without having any F.S.L. report till date. Referring to Section 36-A(4) of the N.D.P.S. Act, learned counsel further submits under the aforesaid Section the period of completion of investigation has been extended up to 180 days with proviso that it can further be extended by the Special Court if need be. Accordingly the submission is that if the F.S.L. report is not accompanied with the charge sheet, the filing of the charge sheet by the prosecution is without any basis and the accused person is entitled for bail.

On the other hand, learned counsel for the Union of India vehemently opposes the prayer for bail and submits that bail application of the petitioner was rejected on merit earlier vide order dated 25.05.2022 in Cr. Misc. No. 1754 of 2022 passed by this Court taking into consideration the provisions of Section 37 of the N.D.P.S. Act. He further submits that provision of Section 36-A(4) of the N.D.P.S. Act cannot override the specific provision of Section 37 of the N.D.P.S. Act.

This court vide its order dated 22.03.2023 had called for a report from trial court regarding the present status of the trial and in pursuance thereof report has been furnished by learned 1st Addl. District & Sessions Judge -cum- Special Judge, N.D.P.S. Act, East Chaparan, Motihari vide letter no. 225 dated



06.04.2023 in which the learned trial court has given estimated time for completion of the trial within one year.

Taking into consideration the material on record and the fact that bail application of the petitioner was rejected earlier on its merit finding *prima facie* material against the petitioner, I am not inclined to grant regular bail to the petitioner at this stage.

The prayer for bail stands rejected.

However, the petitioner may renew her prayer for bail after one year if the trial does not record any progress.

(Anil Kumar Sinha, J)

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