

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50410 of 2022**

Arising Out of PS. Case No.-159 Year-2022 Thana- HARLAKHI District- Madhubani

Saroj Yadav Son Of Gulai Yadav R/O Village- Phulhar, P.S.- Harlakhi,
District- Madhubani Petitioner/s

Versus

1. The State of Bihar
 2. The Union Of India Through The Intelligence Officer, Narcotics Control Bureau, Patna India
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha
For the Union of India : Mr. Manoj Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

5 15-02-2023 Learned counsel for the petitioner is permitted

to make necessary correction in the prayer portion of the

petition.

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 20, 22 of Narcotics

Drugs and Psychotropic Substances Act.

It is a case of recovery of 64.500 kgs of Ganza

like narcotics substance from the Gumti of the petitioner.

It is submitted by learned counsel for the



petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner and there is no independent witness of the alleged seizure. It is also submitted that the petitioner herein has deposed as a witness in the Court for trial at 48th Bn SSB Jaynagar, Bihar. It is possible the case that the petitioner has been arrayed due to his deposition in the Court of trial to put criminal pressure on him. It is further submitted that since the arresting and seizing authority of the alleged contraband was himself not sure whether it was Ganza or Ganza like substance then the same had to be certified by an expert body ie. by F.S.L. but in the present case the I.O. submitted charge-sheet in absense of F.S.L. It is further submitted that even Ganza is alleged to be Ganza by the investigating officer the same has not been certified by the F.S.L. that the alleged seized material was ganza or not. Without the F.S.L. report, the charge-sheet has



been submitted before the Court concerned and hence the charge-sheet submitted by the I.O. is questionable without definite inference that the recovered material is Ganza or such like substance. The I.O. is failed to execute the duty in submitting the police report in respect of alleged offence. It is also submitted that petitioner is neither the owner of the gumti, from which the Ganza has been allegedly recovered, nor the owner of the land on which the gumti is situated. The petitioner has been arrested from his own house, which is 1 km far from the aforesaid gumti, and the seizure list was prepared on the spot. However, there is no any signature or L.T.I. of the petitioner is found on the seizure list. The alleged contraband seized was not sealed on the spot and as such this creates the doubt in authenticity of the prosecution case. Moreover, the petitioner is languishing in judicial custody since 3.6.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.



Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Harlakhi P.S. Case No. 159 of 2022 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 Special Judge, N.D.P.S. Act, Madhubani.

(Sunil Kumar Panwar, J)

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