

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68075 of 2023

Arising Out of PS. Case No.-208 Year-2022 Thana- SUGAULI District- East Champaran

Imtiyaz @ Anna @ Imthias, Son Of Nagur Ganni Kamal @ Nangur Gani
Kamal Resident Of Ilai Gundi, 36 South Enclave, Shiv Ganga, Tamil Nadu
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sugauli P.S. Case No. 208 of 2022, lodged on 02.05.2022 under
Sections 8/20(b)(ii)(c) of the N.D.P.S. Act and section 51 of
Wildlife Protection Act, 1972.

3. As per the prosecution case, the FIR has been lodged
against 2 named accused persons including the present petitioner
and as per the allegation made in the FIR, total 5.108 kg of *charas*
and two horns of deer have been recovered from the bag of the
petitioner.

4. Learned counsel for the petitioner submits that the
alleged material is not *charas*, and therefore, FSL report is
necessary which has not come in this case till date. He also
submits that the petitioner has not been arrested from the place of



the occurrence. He further submits that the antecedent of the petitioner is clean and he is in custody since 03.05.2022.

5. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner has committed offence of not only under the N.D.P.S. Act, but also of the Wildlife Protection Act, 1972 by carrying the body part of the protected wildlife animal in his bag.

6. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner in connection with Sugauli P.S. Case No. 208 of 2022, pending before the learned Additional District and Sessions Judge-Vth/Special Judge (N.D.P.S), East Champaran, Motihari is hereby rejected.

8. However, the liberty is hereby granted that upon receiving the FSL report, the petitioner shall be at liberty to prefer for bail, if it has come in the FSL report that the material which has been sent for check up is not *charas*.

9. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J.)

Divyansh/-

U		T	
---	--	---	--

