

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8289 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- JOGBANI District- Araria

Sikandar Singh @ Sikander Singh Son Of Late Arjun Singh R/O-Gurudwara Road, P.S.-Sadar, Purnea, At Present Resident Of Mahboob Khan Tola, Near Niradhi Convent, P.S.-K. Hat (Sahayak), Purnea, Distt.-Purnea

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv. with
Mr. Bijendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

10 07-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is an application for regular bail on behalf of the petitioner for the offences alleged under Sections 21(c), 22(c) and 29 of the N.D.P.S. Act, registered in connection with Jogbani P.S. Case No. 296 of 2023.

3. As per allegation, the police got information that drug was being carried in cartoons by a Bus bearing Registration Number BR-11PA-4939, thereafter, the police stopped that vehicle and upon search of vehicle, there has been recovery of total 30,000 capsules, each containing 50 mg of Tramadol Hydrochloride in three cartoons. The petitioner is said



to be the conductor of the alleged bus and he stated that someone had told him to give those cartoons to Baijnath Betel Shop, for which he was given Rs. 200/- for each cartoon.

4. The learned Senior counsel Mr. N.K. Agrawal for the petitioner has submitted that petitioner has been falsely implicated in this case and has committed no offence. The F.I.R. itself shows that the petitioner is the conductor in the said bus. He further submitted that without FSL report of the seized article, the charge-sheet has been submitted against the petitioner which is an incomplete charge-sheet, without conclusion of the investigation. The investigation cannot be said to be complete in absence of the F.S.L. report and if the investigation is incomplete, the petitioner should not have been kept in custody and he has to be released under the provisions of Section 167 (2) of the Cr.P.C. read with Section 36A(4) of the N.D.P.S. Act. He further drew my attention towards a judgment of Co-ordinate Bench of this Hon'ble Court in the case of ***Rampravesh Diswa vs. State of Bihar*** reported in ***BLJ 2024(1) 776***. The Co-ordinate Bench of this Court relying upon the decision of ***Ram Babu Yadav vs. State of Bihar*** reported in ***PLJR 2022 (2) 462*** and the decision of Hon'ble the Supreme Court in the case of ***Uday Mohanlal Acharya vs. State of***



Maharashtra reported in **2001 (5) SCC 453** has held that the charge-sheet without FSL report is on the ground of incomplete investigation and the petitioner of that case was granted default bail on this ground only.

5. Learned APP for the State has opposed the prayer of bail.

6. Considering the above facts and circumstances of the case **as also the fact that without being any FSL report, the charge-sheet has been submitted against the petitioner,** let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions-cum-Special Judge, N.D.P.S. Act, Araria in connection with Jogbani P.S. Case No. 296 of 2023, subject to the condition that the petitioner shall co-operate in the disposal of trial and make himself available as and when required by the Court.

(Nawneet Kumar Pandey, J)

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