

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60247 of 2023

Arising Out of PS. Case No.-135 Year-2021 Thana- AANDAR District- Siwan

SUDHIR KUMAR SINGH @ SUNIL SINGH son of Late Ramekbal Singh
Village- Yogyadih Ps- Guthani Dist- Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambar Narayan
For the Opposite Party/s : Mr.Shailendra Kumar

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

ORAL ORDER

8 03-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Aander P.S. Case No. 135 of 2021, G.R. No. 13 of 2021, registered for the offences punishable under Sections 8(c)/21(c) of the NDPS Act.

3. As per allegation, 900 gm of *Heroin* like substance and cash of Rs. 2,05,000/- were recovered from the possession of petitioner.

4. At the very outset, the learned counsel for the petitioner has submitted that the earlier regular bail petition of the petitioner was rejected vide order dated 10.01.2023 in Cr. Misc. No. 55252 of 2022. He has submitted further that at the time of rejection of bail application of the petitioner, the report of Forensic



Science Laboratory was not available with the record. The fresh ground for renewal of bail is that now the chemical analysis report of the alleged contraband has been received from FSL, Muzaffarpur, which is annexed with the record and the report shows that the substance was not detected as *Heroin*. His further submission is that the FSL report speaks itself the innocence of the petitioner.

5. On the other hand, the learned APP Sri Shailendra Kumar has opposed the prayer for bail and submitted that one sample was sent to FSL, Muzaffarpur and the second was sent to FSL, Kolkata.

6. The FSL report from Muzaffarpur has been received and a letter has been received from Forensic Science Laboratory, Kolkata which shows that the seal on the sample received in Kolkata laboratory was not tallied with the seal, which was sent to the FSL along with the sample. This fact itself clarifies that the sealing and sampling of the substance was suspicious. The report of FSL, Muzaffarpur shows that seized contraband was not *Heroin*.

7. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional



Sessions Judge-cum-Special Court, Siwan in connection with
Aander P.S. Case No. 135 of 2021, G.R. No. 13 of 2021, subject to
the following conditions:-

(i) The petitioner shall cooperate in the
disposal of trial and make himself available as and
when required by the court.

(Nawneet Kumar Pandey, J)

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