

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57440 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- RAHIKA District- Madhubani

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1. Neeraj Kumar son of Umesh Sah Village- Sari Khas Pataira Ps- Sari Dist- Vaishali
 2. Vijay Kumar son of Dharamdeo Paswan Village- Sari Khas Pataira Ps- Sari Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-11-2024 Heard Mr. Yogesh Chandra Verma, learned Senior
Counsel for the petitioners and the State.

2. The petitioners are in judicial custody in connection with G.R. No. 40/2024 arising out of Rahika P.S. Case No. 112 of 2024 for the offence punishable under Sections 8/20 (B)/22 of NDPS Act lodged on 25.05.2024 by the informant, Ravindra Kumar.

3. As per the prosecution story, the informant alleged that upon information about movement of ‘ganja’, vehicle checking was done and in the process, from the Renault Car, there is recover/seizure of 37.457 kgs. ‘ganja’ from it. As the petitioner failed to produce any paper, FIR/arrest.



4. Learned Senior Counsel for the petitioners submit that only because the car belongs to one of the petitioner, Neeraj Kumar (petitioner no.1), they got implicated. Further, though the charge-sheet was submitted within time, on that particular day, the FSL report was not on record making the entire submission of the charge-sheet faulty. In that background, both the petitioners deserve bail.

5. Learned APP, Mr. Shyam Kumar Singh on the other hand opposes the prayer submitting that in this case, the coordinate bench had called for the case diary as also the FSL report on 25.09.2024 which are on record and the FSL report sent by the Regional Forensic Science Laboratory, Muzaffarpur dated 24.07.2024 confirmed that the seized item is 'ganja'. He further submits that it is much above the commercial quantity of 20 kg. He further submits there is nothing on record to show that when the charge-sheet was submitted, the FSL report was not on record.

6. Having gone through the facts of the case as also the submissions put forward by the parties, the car belongs to the petitioner no.1, admittedly, there is recovery/seizure of 37.457 kgs. 'ganja', the FSL report is on record confirming it to be the 'ganja', it is above the commercial quantity, in that



background, this Court is not inclined to extend them the privilege of bail which is accordingly, rejected.

7. In view of the fact that the petitioners are in custody since 25.05.2024, they are entitled to fair trial at an earliest, it is expected that the trial will be taken up and without any unnecessary adjournment will be concluded.

(Rajiv Roy, J)

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