

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25940 of 2025

Arising Out of PS. Case No.-83 Year-2023 Thana- SACHIVALAYA District- Patna

Akash Rai S/o Ramchandra Ray Resident of village - Sakin Batukeshwar Dutt
Lane, P.S. - Jakkanpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navnit Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 27-06-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sachivalaya P.S. Case no.83 of 2023 registered under section 414 of the Indian Penal Code and 21(b) of the N.D.P.S. Act.

3. As per the prosecution case, 100 gms. of smack besides mobile phone and motorcycle was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected on two occasions, the last being vide order dated 28.10.2024 passed in Cr. Misc. no.66870 of 2024. It is submitted that inspite of the petitioner being in custody since 17.5.2023 and not having any criminal antecedent, there is no progress in the trial in the



learned trial Court. In reference to the statements made in paragraph nos.11, 12 and 13 of the petition, it is submitted that at the time of submission of chargesheet and taking of cognizance as also framing of charge, there was no FSL report on record which was submitted by the Investigating Officer subsequently on 2.4.2024. Learned counsel for the petitioner submits that in case of submission of chargesheet without submission of FSL report, there has been cases in which bail have been granted. In support of his contention, learned counsel for the petitioner relies on the order of this Court dated 2.12.2021 passed in Cr. Misc. no.21326 of 2021 as also order of the Hon'ble Supreme Court dated 1.5.2023 passed in SLA (Criminal) no.11628 of 2022 (Divyas Bardewa vs. Narcotics Control Bureau).

5. It is submitted by learned counsel appearing for the State that so far as the instant case is concerned, admittedly, FSL report has been submitted by the Investigating Officer on 2.4.2024 and the same is on record. The trial is proceeding and a number of witnesses have been examined on behalf of the prosecution.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner of



recovery of 100 gms. of smack together with submission of FSL report and the trial having proceeded in the learned Court below with three witnesses having been examined on behalf of the prosecution out of the five official (police) witnesses, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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