

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6142 of 2015

Arising Out of PS.Case No. -4 Year- 2013 Thana -PANCHRUKHI District- SIWAN

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Santosh Roy Son of Late Sivaji Roy resident of Village - Sadhadhala, P.S. - Chapra, District - Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 16-02-2015

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 04.01.2013 in a case registered for the offences punishable under Sections 279, 337, 338, 427 of the Indian Penal Code and 20/22 of the NDPS Act.

It is alleged that one Jeep having registration of Uttar Pradesh tried to escape after ignoring the signal of the police to stop and collided with an Auto rickshaw. Subsequently the petitioner was apprehended while escaping from the Jeep from which 52 kgs. of Ganja were recovered.

It is submitted by learned counsel for the petitioner that the petitioner was actually in the auto rickshaw and

on suspicion the petitioner has been lodged in the present case. The recovery cannot be treated from the possession of the petitioner and none of the passengers of the auto rickshaw were examined under Section 161 of the Cr.P.C.

A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the quantity of recovery, this Court is not inclined to grant bail to the petitioner in connection with N.D.P.S. Trial No. 71 of 2014 arising out of Pachrukhi P.S. Case No. 04 of 2012 pending in the court of learned 1st Additional Sessions Judge, Siwan.

Accordingly, the prayer for bail of the petitioner is rejected.

Let the trial be expedited.

However, if the trial will not be concluded within a period of one year, then the petitioner first move the learned court below.

(Dinesh Kumar Singh, J)

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