

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22035 of 2014

Arising Out of PS.Case No. -370 Year- 2013 Thana -BARACHATTI District- GAYA

1. Md. Aslam Son of Md. Noor Alam Resident of Village - Supaul, P.S.-
Biraul, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.46030 of 2014

Arising Out of PS.Case No. -370 Year- 2013 Thana -BARACHATTI District- GAYA

1. Pintu Kumar Son of Gopal Sao resident of village - Dhanua, P.O. + P.S.
Chauparan, District - Hazaribagh, Jharkhand

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.22035 of 2014)

For the Petitioner/s : Mr. Rajesh Kumar Jha

For the Opposite Party/s : Mr. Atul Chandra(App)

(In Cr.Misc. No.46030 of 2014)

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Renu Kumari (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

7 26-03-2015 Both the petitions arise out of Barachatti P.S.Case No.

370 of 2013 registered under section20 (II),22 of the NDPS Act

and accordingly, both the above stated petitions are being disposed

of by this common order.

Petitioner in Cr. Misc. No. 22035 of 2014 is driver of

the truck from which 80 kg Ganja kept in three separate sacks were recovered and petitioner in Cr. Misc. No.22035 of 2014 disclosed that the said Ganja was handed over to him by petitioner in Cr. Misc. No.46030 of 2014.

Admittedly, petitioner in Cr. Misc. No. 22035 of 2014 was arrested on 14.08.2013 and since then he is languishing in jail custody. So far as, petitioner in Cr. Misc. No. 460 30 of 2014 is concerned, he is in jail custody since 06.07.2014.

The trial court has reported vide his letter no. 09 dated 15.01.2015, that in spite of best efforts the witnesses could not be examined. Almost similar report has been made by the Superintendent of police, Gaya.

No doubt, huge quantity of contraband items was recovered from the truck which was driven by the petitioner in Cr. Misc. No. 22035 of 2014 but no person can be detained in judicial custody without trial. However, both the above stated petitions stand rejected with direction to the trial court to conclude the trial of the petitioners within four months from the date of receipt/production of copy of this order.

Let copy of this order be also sent to the Superintendent of police with direction to ensure the presence of prosecution witnesses before the court of learned Additional

Sessions Judge 1st cum Special Judge N.D.P.S Act, Gaya in connection with Barachatti P.S.Case No. 370 of 2013 corresponding to N.D.P.S. case 03 of 2014 within two months from the date of receipt/ production of copy of this order. It is made clear that if the trial of the petitioners is not concluded within the above stated period of four months, the trial court shall release the petitioners on bail fixing amount and bail bonds on its own level.

(Hemant Kumar Srivastava, J)

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