

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10190 of 2016

Arising Out of PS.Case No. -301 Year- 2013 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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1. Suleman Mian Son of Late Nathu Mian, Resident of Village - Bara Pareuya, Ward No. 1, P.S. - Raxaul (O.P. Haraiyan), District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Opposite Party/s : Mr. Lallan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 11-05-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under Sections-20, 22, 23 & 24 of the NDPS Act.

4.5 kgs. Charas is said to have been recovered from conscious possession of the petitioner, for which, petitioner is languishing in jail custody since 17-10-2013. Earlier prayer for bail of the petitioner was rejected by this court with direction to the trial court to expedite the trial of the petitioner and try to conclude the same as early as possible.

Submission on behalf of petitioner is that trial of the petitioner is still pending and uptill now; three prosecution

witnesses could be examined in this case.

The impugned order of learned trial court goes to show that the prosecution proposed five witnesses for examination in support of its case and two proposed witnesses have already been examined though it is informed on behalf of petitioner that uptill now, three prosecution witnesses have been examined and, therefore, the aforesaid fact goes to show that only two prosecution witnesses have been left to be examined.

Considering the aforesaid facts and circumstances as well as present stage of trial of the petitioner, I am not inclined to release the petitioner on bail and accordingly, his prayer for bail in connection with NDPS Case No. 155 of 2013 arising out of Raxaul P.S. Case No. 301 of 2013 pending in the court of learned Additional District & Sessions Judge-Ist, Motihari, East Champaran is, again rejected.

However, learned trial court is directed to conclude the trial of the petitioner as early as possible, preferably, within three months from the date of receipt/production of copy of this order.

Let copy of this order be sent to the Superintendent of Police, Motihari, East Champaran with direction to him to ensure the presence of remaining prosecution witnesses before the learned Additional District & Sessions Judge-Ist, Motihari, East

Champan within a month from the date of receipt/production of
copy of this order.

A.K.V./-

(Hemant Kumar Srivastava, J)

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