

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13513 of 2016

Arising Out of PS.Case No. -639 Year- 2012 Thana -AHIAPUR District- MUZAFFARPUR

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Ajay Rai @ Ajay Kumar Son of Shiv Narayan Rai, Resident of Village
Sabbajpur, Police Station Ahiyapur, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

5 15-07-2016

Heard learned counsel for the parties.

The petitioner has renewed the prayer for bail in a case registered for the offence punishable under section 414/34 of the Indian Penal Code and sections 20(b), 21, 22, 25 and 27 of the N.D.P.S.Act.

From the possession of the petitioner 35 gram of Heroin was recovered.

The petitioner is accused in two other cases apart from the present one and one of them has been registered under section 414/34 of the Indian Penal Code and sections 20(b), 21, 22, 25 and 27 of the N.D.P.S.Act.

The petitioner's bail application was initially rejected on 8.10.2013 vide Cr.Misc.No. 16805/2013 by a co-ordinate Bench of this Court (now retired) with a liberty to the petitioner to renew

his prayer for bail if the trial is not concluded within a period of nine months. Thereafter the prayer for bail of the petitioner was again rejected by the order dated 12.8.2015 passed in Cr.Misc.No. 33511/2014 since the learned trial court in its report dated 21.7.2015 intimated that the trial will be concluded within a period of six months.

It appears from the report of the 6th Addl. Sessions Judge, Muzaffarpur dated 3rd May, 2016 that five prosecution witnesses have been examined and the trial is likely to be concluded within five months. The report of the Sr.S.P., Muzaffarpur dated 9.7.2016 at Flag 'A' does not reflect the reasons for non-production of the prosecution witnesses.

Keeping in view the reports of the learned trial court and the Sr.S.P., this Court is not inclined to grant bail to the petitioner.

This application is, accordingly, dismissed.

It is expected from the Sr.S.P., Muzaffarpur to produce all the witnesses without any further delay. It is also expected from the learned trial court to conclude the trial within the stipulated period incorporated in the report dated 3rd May, 2016.

(Dinesh Kumar Singh, J)

Surendra/-

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