

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22174 of 2016

Arising Out of PS.Case No. -9 Year- 2008 Thana -AMDABAD District- KATIHAR

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1. Rakesh Marandi
2. Thakur Marandi Both sons of Late Raghu Marandi resident of village -
Jamra Ratanpur Chama Tola, P.S. Amdabad, District - Katihar.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Satyendra Narayan Singh (App)

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

ORAL ORDER

4 05-08-2016

Heard learned counsel for the parties.

The petitioners are languishing in custody since 1.9.2015
in a case registered for the offences punishable under sections 15,
18, 25 and 29 of the N.D.P.S.Act.

Prosecution case is that SHO, Amdabad Police Station,
on the order of the District Magistrate, Katihar went with other
officials to village Dilawarpur on 26.2.2008 at 3.00 PM and found
the cultivation of poppy plant over 2 Bighas of land and on
enquiry he learnt that one Azad is the owner of the land on which
plantation was made by one Ismail, whereas on the land of the
petitioners Rakesh Marandi and Thakur Marandio plantation was
made by one Ajhar.

It is submitted by the learned counsel for the petitioners

that that the petitioners have no knowledge about cultivation of poppy by Ajhar though the land was leased out by Ajhar. Statement has been made in paragraph 3 of the application that the petitioners have no criminal antecedent.

Since the case was registered in the year 2008 and the petitioners surrendered in the year 2015, this Court is not inclined to grant bail to the petitioner for the present. This application is, accordingly, dismissed.

The report of the I/c Addl. Sessions Judge II, Katihar reflects that the charge has been framed and the case is pending for examination of prosecution witnesses and up-till-now no witness has been examined due to transfer of the Presiding Officer.

The learned Sessions Judge, Katihar is expected to get the trial of the petitioner expedited since the concerned trial court is vacant.

(Dinesh Kumar Singh, J)

Surendra/-

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