

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32904 of 2016

Arising Out of PS.Case No. -55 Year- 2013 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Amar Choudhary @ Amar Chaudhary @ Chaudhary son of Ram Pukar Chaudhary resident of village - Chapkahiya ward No. 3 , P.S. - Birganj, District - Parsa (Nepal) At present - Village Ranighat ward No. 14, P.S. - Birganj, District - Parsa (Nepal).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Mr. Kumar Virendra Narayan, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-12-2016 Heard both sides.

The petitioner seeks bail in N.D.P.S. Case No. 43 of 2013, arising out of Raxaul P.S. Case No. 55 of 2013, registered for the offences punishable under Sections 20, 22, 23 and 24 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

64 Kg. of Ganja was recovered from the Tanga of the petitioner. Prayer for bail of the petitioner was earlier rejected vide order dated 19.08.2015 passed in Cr. Misc. No. 33294 of 2015. The trial court was directed to expedite the trial and conclude the same within nine months but the trial has not yet been concluded therefore the petitioner filed this petition for bail.

Since the commercial quantity of Ganja has been



recovered from conscious possession of the petitioner, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

The petitioner is in jail since 05.03.2013 and he has already remained in jail for more than 3 years and 3 months and the court below has not taken any steps for conclusion of the trial. The S.P., East Champaran, Motihari is directed to ensure the attendance of the prosecution witnesses of N.D.P.S. Case No. 43 of 2013, arising out of Raxaul P.S. Case No. 55 of 2013 in the court of 3rd Additional Sessions Judge, East Champaran, Motihari who is directed to hold the trial on day to day basis so that the trial must be concluded within six months from the date of receipt of this order.

If the S.P., East Champaran, Motihari fails to ensure the attendance of any prosecution witness in the court, the court below must send a report to this Court forthwith. It appears that in most of the cases the direction to conclude the trial is flouted due to non-production of the prosecution witnesses, this matter shall be viewed seriously in future.

(Prabhat Kumar Jha, J.)

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