

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 40390 of 2016

Arising Out of PS.Case No. -127 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Murti Devi wife of Bhushan Das, resident of Village- Machhaha P.S.
Motihari Muffasil, District East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 01-12-2016 Heard Sri Tribhuwan Narayan, learned counsel for
the petitioner and learned Addl. Public Prosecutor.

The petitioner, who is in custody in Motihari Town
P.S. Case No. 127 of 2016, G.R. No. 729 of 2016, corresponding
to NDPS Case No. 9 of 2016, registered for offence under
Sections 17(C) of the Narcotic Drugs & Psychotropic Substances
Act, 1985 (for short “NDPS Act”), has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that though in the F.I.R., it was alleged that the article like Opium
was recovered from the petitioner and one another lady, but there
is no definite finding regarding the fact as to whether such article
was Opium or not. It has also been argued that petitioner is a local
resident and there is no question for petitioner to bring such



contraband from Nepal. On aforesaid ground, a prayer has been made to grant bail.

Learned Addl. Public Prosecutor, opposing the prayer for bail, submits that two ladies were apprehended and from their possession, about 3 ½ Kg. of Opium was recovered. He further submits that sample has already been sent to the F.S.L., Kolkata for its report and in the case, after framing of charge, trial has already commenced.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. In view of nature of accusation as well as the fact that in the case, charge has already been framed, there is no reason to extend the privilege of bail.

The petition stands dismissed.

However, keeping in view the fact that petitioner is in custody since February, 2016, while dismissing the petition, it is desirable to direct the court below to take all steps for early disposal of the case. The learned court below, while proceeding with the case, will take up the matter at least once in a week.

(Rakesh Kumar, J.)

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