

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37581 of 2016

Arising Out of PS.Case No. -136 Year- 2012 Thana -CIVIL LINE District- GAYA

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1. Babu Lal Chaudhary @ Babu Chaudhary son of Sanichar Chaudhary
resident of Village Afjalpur P.S. Sherghati District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-10-2016

Heard learned counsels for the petitioner
and the State.

Petitioner has renewed his prayer for bail,
as languishing in custody since 08.04.2012, in a case
registered for the offences punishable under Sections 17,
18, 20 and 23 of the Narcotics Drugs and Psychotropic
Substances Act.

The prosecution case is that three persons
were apprehended, who disclosed their names as Abhishek
Kumar, Arun Kumar and the petitioner Babu Lal
Chaudhary @ Babu Chaudhary. The petitioner was carrying
one black colour bag, from which 3.900 K.g opium was
recovered.

Considering the commercial quantity of
recovery, a Co-ordinate Bench of this Court vide order dated

29.01.2013 passed in Cr. Misc. No. 46748 of 2012 rejected the prayer for bail of the petitioner and thereafter on 16.03.2016 vide Cr. Misc. No. 12877 of 2014 also rejected the bail application.

It is submitted by the learned counsel for the petitioner that statement has been made in para-3 of the petition that petitioner has no criminal antecedent. The petitioner was carrying the bag at the behest of someone else and he has falsely been implicated in the case. It is further submitted that out of seven witnesses, four witnesses have been examined during trial.

This Court vide order dated 16.03.2016 directed the trial court to expedite the trial. The Superintendent of Police, Gaya was also directed to ensure the attendance of the witness on the date fixed in the case and the trial be proceeded on day-to-day basis for early disposal. The said order stipulates that two witnesses have already been examined, but still the trial has not concluded.

It is expected from the learned Additional Sessions Judge-Ist-cum-Special Judge (N.D.P.S. Act), Gaya to conclude the trial expeditiously without giving any adjournment.

Keeping in view of the commercial quantity of recovery, this Court is not inclined to grant bail to the petitioner in connection with N.D.P.S. Case No. 09 of

2012, arising out of Civil Line P.S. Case No. 136 of 2012,
pending in the court of learned Additional Sessions Judge-
Ist-cum-Special Judge (N.D.P.S. Act), Gaya.

Accordingly, the prayer for bail is
rejected.

(Dinesh Kumar Singh, J)

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