

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44007 of 2016

Arising Out of PS.Case No. -167 Year- 2012 Thana -SAHEBGANJ District- MUZAFFARPUR

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Manoj Kumar Son of Kameshwar Singh resident of village - Chakiya, P.S.
Goraul, District - Vaishali.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan

For the Opposite Party/s : none

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 26-10-2016 Heard Sri Dharmendra Kumar Paswan, learned
counsel for the petitioner. None appeared on behalf of State.

This is the 4th attempt for grant of bail on behalf of
petitioner.

The petitioner is in custody in Sahebganj P.S. Case
No. 167 of 2012, corresponding to Sessions Trial No. 6 of 2015,
registered for offence under Sections 20, 22 and 23 of Narcotic
Drugs & Psychotropic Substances Act, 1985.

In this case, by order dated 05-10-2016, a report was
called for from the court below regarding stage of the case, which
has been received and kept at flag 'K'. On perusal of the report, it
appears that out of 12 witnesses, 8 witnesses have already been
examined.



Learned counsel for the petitioner as drawn my attention to the last order of this Court i.e. order dated 24-02-2016 passed in Cr. Misc. No. 3826 of 2016. He submits that on earlier occasion also, report was called for regarding the stage and on the basis of earlier report dated 11th February, 2016, seven witnesses were examined. He submits that after more than eight months from the date of last report, only one witness has been produced by the prosecution. Meaning thereby that prosecution is not interested for early disposal of the case.

Keeping in view the fact that on merit, the prayer for bail has already been rejected, again the prayer for bail is rejected. However, while dismissing the case, it would be necessary to direct the court below as well as prosecution to take all steps so that trial may come to its logical end without unnecessary delay. Till date of report, out of 12 witnesses, 8 witnesses have already been examined. The trial court is required to take-up this matter at least twice in a week so that trial may come to its logical end without unnecessary delay. The concerned Superintendent of Police is directed to ensure production of remaining witnesses before the trial court as and when required by the trial court without fail.

Let a copy of this order be sent to the court below as

well as concerned Superintendent of Police forthwith.

With above observation and direction, the prayer for
bail again stands rejected.

(Rakesh Kumar, J.)

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