

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51431 of 2015

Arising Out of PS.Case No. -383 Year- 2012 Thana -GARDANIBAGH District- PATNA

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Ramesh Prasad Gupta, son of Late Banarsi Sah, resident of village & P.S. Jagdishpur, District – Bettiah.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 02-03-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Special Case No.45 of 2012, arising out of Gardanibagh P.S. Case No.383 of 2012 registered under Section 414 of the Indian Penal Code besides Sections 21 and 22 of the N.D.P.S. Act, pending in the court of Additional Sessions Judge-VII, Patna-cum-Special Judge, N.D.P.S., Patna

Learned counsel appearing on behalf of the petitioner submits that earlier the prayer of the petitioner alongwith three other accused for grant of bail was rejected by this Court by a common order dated 17.01.2014 passed in Criminal Misc.26446

of 2013(filed by the petitioner) and its analogous cases. The petitioner having no criminal antecedent is in custody since 11.12.2012, while neither the petitioner was the driver nor the owner of the vehicles from which the alleged 180 kilograms of Ganja is said to be seized.

The report, as called for from the court concerned vide order dated 27.01.2016, has been received from the court of Additional Sessions Judge-VII, Patna, through letter no.48 of 2016 dated 30.01.2016 from which it appears that till date, out of the six charge-sheeted witness, only two charge-sheeted witnesses have been examined and for the production of other witnesses including the informant of the case non-bailable warrant has been issued and if the prosecution will cooperate, the trial of the case may be concluded within nine months.

Having regard to the facts and the circumstances of the case, I am not inclined to reconsider the prayer of the petitioner for grant of bail. Accordingly, the prayer of the petitioner for grant of bail is again rejected. However, the trial court is directed to conclude the trial of the petitioner within one year by taking all effective steps. If the trial of the petitioner is not concluded within one year, the petitioner would be at liberty to renew his prayer for bail.

Let a copy of this order be sent to the Senior Superintendent of Police, Patna, for giving direction to the concerned police officials to produce the remaining witnesses in the present case so that the trial of the petitioner may be concluded within one year.

(Rajendra Kumar Mishra, J)

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