

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43022 of 2016

Arising Out of PS.Case No. -91 Year- 2014 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Sk Akhtar @ Akhtar, S/O Sk. Ijhar Hussain Resident of Village- Nimuie,
P.S.- Sugauli, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party : Mr. Kumar Ranjit Ranjan, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-12-2016 Heard both sides.

The petitioner seeks bail in N.D.P.S. Case No. 47 of 2014, arising out of Adapur P.S. Case No. 91 of 2014, registered for the offences punishable under Sections 20, 22, 23 and 24 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the prayer for bail of the petitioner was earlier rejected vide order dated 20.07.2015 passed in Cr. Misc. No. 25201 of 2015 with a direction to the trial court to conclude the trial within one year but the trial has not yet been concluded. It is further submitted that the search notice shows that the petitioner was spotted at 14:00 hours but from perusal of the FIR it appears that the petitioner was spotted at 16:30 hours. There is discrepancy in search and seizure



and the search was not made in accordance with Section 50 of the N.D.P.S. Act.

It appears that 4 kg. of Charas commercial quantity was recovered from possession of the petitioner hence, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

The petitioner is in jail since 25.07.2014, the petitioner has already remained in jail for 2½ years but trial has not yet been concluded. The S.P., Motihari is directed to ensure the presence of prosecution witnesses of N.D.P.S. Case No. 47 of 2014, arising out of Adapur P.S. Case No. 91 of 2014 in the court of 3rd Additional Sessions Judge-cum-Special Judge, Motihari, East Champaran on each and every date fixed in the trial and the 3rd Additional Sessions Judge-cum-Special Judge, Motihari, East Champaran is directed to hold the trial on day-to-day basis and conclude the same within six months.

Let a copy of this order be sent to the S.P., Motihari and the court who is in seisin of the case for information and needful.

(Prabhat Kumar Jha, J.)

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