IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26892 of 2016

Arising Out of PS.Case No. -24 Year- 2013 Thana -RAXAUL District- EASTCHAMPARAN(MOTIHARI)

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Vivek Sah @ Vikesh Sah, S/o Hari Narayan Sah, resident of village Kehuniya, Barawan, P.S.- Birganj, Distt.- Parsa (Nepal)

.... Petitioner/s

Versus

The State of Bihar .... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shri Prakash Tiwari, Adv.
For the Opposite Party/s : Mr. Renu Kumari, App

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

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3 03-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 01.02.2013 in connection with Raxaul P.S. Case no. 24 of 2013 giving rise to NDPS Case No. 23 of 2013 pending in the Court of 1st Additional District and Sessions Judge, East Champaran, Motihari registered for offences under Sections 20, 22, 23 & 24 of the NDPS Act.

This is the 3rd attempt for bail on behalf of the petitioner.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 5353 of 2014 and 25413 of 2015 with observation to the trial Court to conclude the trial within a period of six months. In light of the said observation, the petitioner has preferred the present application for bail.

A report was called for from the trial Court regarding the stage of the case which is kept at Flat ‘B’. It has been reported

that out of nine prosecution witnesses, four witnesses have already been examined and summons and bailable warrants have already been issued against the remaining witnesses. The petitioner is in custody since 01.02.2013. He has got no criminal antecedent and has falsely been implicated in the present case.

On behalf of the State it is submitted that 60 Kg Ganja is said to have been recovered from the possession of the petitioner.

Considering the aforesaid facts and circumstances and as the trial is already in progress, I am not inclined to release the above named petitioner on bail. The same is rejected.

The Court below is directed to take all necessary steps to conclude the trial preferably within a period of six months from the date of receipt/production of a copy of this order.

The Superintendent of Police, Motihari at East Champaran is directed to ensure that the prosecution witnesses are produced on the date fixed by the trial Court.

Let a copy of this order be communicated to the Superintendent of Police, Motihari at East Champaran so that he can ensure that the prosecution witnesses are produced in the Court on the date fixed.

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(Sudhir Singh, J)

Prakash/-

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