

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6543 of 2017

Arising Out of PS.Case No. -82 Year- 2014 Thana -NAWANGAR District- BUXAR

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Sethi Singh, S/o Chandra Singh, resident of Village- Gausganj, P.S.-
Mufassil, District- Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India, through the Director Narcotics Centre Bureau, New
Delhi or Regional Director, Narcotic Central Bureau, Lucknow (U.P.).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Sri Yogendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 06-12-2017

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has renewed the prayer for bail in
a case registered for the offences punishable under Sections 420,
414 of the Indian Penal Code and Sections 20(B)(ii)(C), 22, 27(A)
and 29 of the NDPS Act.

The prosecution case, based on the self
statement of Dharmendra Kumar, SHO of Nawanagar police
station, is to the effect that on 23.04.2014 at 11.00 A.M. the police
personnel came and informed that ganja is being transported on a
truck through NH 30, when raid was laid and a truck was
intercepted from which the driver Upendra Kumar Pathak, cleaner



Amit Verma, co-accused Vikas Kumar Singh and Raju Singh were apprehended. In the meantime, it was also found that certain big packets were being unloaded from the truck into one Scorpio vehicle. From Scorpio vehicle co-accused Nagina Rai, Uday Singh, Mritunjay Singh and petitioner Sethi Singh were apprehended. From the truck 6 quintals 67 kilograms 380 grams ganja in 32 packets were recovered whereas from the Scorpio vehicle 82 kilograms and 30 grams of ganja in four packets were recovered.

It is submitted by learned counsel for the petitioner that the petitioner was, in fact, not apprehended from the vehicle but maliciously he has been roped in the present case. A statement has been made in paragraph 3 of the petition that the petitioner is having no criminal antecedent. It is further submitted by learned counsel for the petitioner that co-accused Vikash Kumar Singh has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 39082 of 2014.

Learned counsel for the State submits that the commercial quantity of ganja has been recovered.

Considering the rival submissions of the parties, it is not in dispute that the commercial quantity of ganja has been recovered from the petitioner. However, in view of the report of



learned Additional Sessions Judge-VI, Buxar dated 17.11.2017 to the effect that 9 witnesses have been examined and only 5 charge-sheeted witnesses are left to be examined and there is likelihood of conclusion of trial within 5-6 months.

Keeping in view the commercial quantity of recovery and the stage of trial, this Court is not inclined to revise earlier order. However, it is expected from the learned trial court to conclude the trial of N.D.P.S. Case No. 05 of 2014, arising out of Nawanagar P.S. Case No. 82 of 2014, within the time frame transmitted to this Court, keeping in view the fact that the petitioner has been languishing in custody since 23.04.2014. However, if the trial will not be concluded within a period of six months, the petitioner would be at liberty to renew the prayer for bail.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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