

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14441 of 2017

Arising Out of PS.Case No. -60 Year- 2015 Thana -JADOPUR District- GOPALGANJ

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Indal Giri, Son of Raj Balam Giri, Resident of Village- Bishunpur, P.S.
Jadopur, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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

ORAL ORDER

04/ 18-10-2017

Heard learned counsels 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 8,
20 & 22 of NDPS Act.

The prosecution case as per the self recorded
statement of Amit Kumar Singh, SHO of Jadopur Police Station is
to the effect that on 14.07.2015 the informant along with other
police personnel were on night patrolling duty when they found a
truck parked along with a Marshal jeep and a motorcycle. Seeing
the police, the accused persons started fleeing and three of them
jumped from the truck, who were caught and they disclosed their
names as Dinesh Kumar, Rajnish Singh and the petitioner Indal
Giri. These three accused disclosed that Ganja was loaded by co-
accused Lallan Giri, Vishram Singh and Lallan. Altogether 60.750
kgs. of Ganja were recovered from the truck.



It is submitted by learned counsel for the petitioner that the recovery cannot be treated from the conscious possession of the petitioner. Petitioner was simply a passenger on the truck in question. A statement has been made in paragraph 3 of the petitioner that the petitioner has no criminal antecedent. Moreover, petitioner is languishing in custody since 15.07.2015.

The report of learned 1st Additional Sessions Judge, Gopalganj dated 20.09.2017 reflects that the trial is likely to be concluded within eight months.

Considering the time framed transmitted by learned trial Court for conclusion of trial, keeping in view of the recovery of commercial quantity of the contraband and in view of the embargo under Section 37 of the NDPS Act, for grant of bail in case of commercial quantity of recovery of the contraband this Court is not inclined to revise the earlier order. Accordingly, the prayer for bail of the petitioner is rejected.

However, it is expected from learned trial Court to conclude the trial expeditiously.

(Dinesh Kumar Singh, J)

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