

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13870 of 2017

Arising Out of PS.Case No. -412 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Dinesh Mishra, son of Late Garbhu Mishra, resident of Village- Kanta, P.S.-
Gaighat , District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The Union of India through A .S.I(GD Gajendra Singh, F Coy Bop ,
Barharwa, District- East Chmparan, SSB 20th BN.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate
For Union of India : Mrs. Chaya Mishra, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-03-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with
NDPS Case No. 69 of 2016, arising out of Ghorasahan (Jitna)
P.S.Case No. 412 of 2016, G.R.No. 1044 of 2016 registered for
the offences punishable under Section 23 of the NDPS Act.

It has been submitted on behalf of the petitioner that
petitioner has been implicated in this case on the basis of mistaken
identity and there is no compliance of provisions under Section 50
of NDPS Act and he has remained in custody for the last five
months and even alleged recovery of ganja is below quantity.

Heard learned APP and learned counsel for Union of



India also.

Having heard both sides and in view of the allegation that 2.65 Kg. of Ganja has been recovered from the possession of the petitioner and there is there is presumption under the NDPS Act, I am not inclined to grant bail to the petitioner.

However, trial court is directed to expedite and conclude the trial within one year. If the trial is not concluded within the said period, the petitioner may renew his prayer for bail before the court below itself.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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