

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40817 of 2017

Arising Out of PS. Case No.-152 Year-2016 Thana- ROHTAS District- Rohtas

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Nandu Sah, Son of Late Shiv Prasad Sah, Resident of Village- Sunderganj,
P.S. & District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Amish Kumar

For the Opposite Party/s : Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 01-11-2017 Heard Sri Amish Kumar, learned counsel for the petitioner
and Sri Zainul Abedin, learned Additional Public Prosecutor.

This is second attempt for grant of bail on behalf of the petitioner. The petitioner, is in custody in Rohtas P.S. Case No. 152 of 2016, registered for the offence under Section 20/ 22 of the Narcotic Drugs And Psychotropic Substances Act, 1985 since 30.08.2016 on an accusation of recovery of about five kilograms of Ganja. Earlier, prayer for bail of the petitioner was rejected by order dated 22.12.2016 passed in Cr. Misc. No. 49552 of 2016.

In this case, by order dated 20.09.2017 a report was called for from the court below regarding stage of the case. The



report has been received, which is kept at flag -'X'. Report dated 9th October , 2017 of learned Additional Sessions Judge – VIII, Rohtas at Sasaram makes it clear that in the case charges were framed in the year 2016 itself, and thereafter, summons as well as bailable warrant of arrest was issued for securing attendance of witnesses and same was endorsed to the Superintendent of Police, Rohtas. However, the prosecution has failed to produce even a single witness. The report also indicates that bailable warrant of arrest through Superintendent of Police , Rohtas was communicated vide D.B. No. 1156 dated 5.7.2017 for its execution. However, no response has been shown by the Superintendent of Police. It is sad affair of the State Government and State Police. If an accused is in custody and court issues processes including bailable warrant of arrest for securing attendance of witnesses, it is expected that immediately after receiving such communication the concerned Superintendent of Police will respond properly, but the report indicates that no response has been shown by the Superintendent of Police.

In view of the fact that petitioner is in custody without trial since long in a case of recovery of about five kilograms of Ganja, which is much below commercial quantity, there is no



reason to further detain the petitioner in custody.

Accordingly, it is desirable to release the petitioner namely, Nandu Sah on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. - VIII, Rohtas/ concerned court in connection with Rohtas P.S. Case No. 152 of 2016.

Before parting with the order, it is desirable to notice the laches on the part of the concerned Superintendent of Police, who had not responded to the communication made by the trial court. Accordingly, let a copy of this order be sent to the Director General of Police, Bihar, Patna as well as Home Secretary, Government of Bihar, Patna for examining the matter.

(Rakesh Kumar, J)

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