

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38983 of 2016

Arising Out of PS.Case No. -166 Year- 2014 Thana -BARACHATTI District- GAYA

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1. Shyamdeo Prasad Son of Late Ratan Mahto

2. Keshar Prasad Son of Late Chulhai Mahto

Both petitioner no. 1 and 2 are Resident of Village- Dhamna, Police
Station- Barachatti, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 29.03.2017

Heard learned counsels for the petitioners

and the State.

The petitioners have renewed prayer for bail
in a case registered for the offences punishable under Sections 20
and 22 of the NDPS Act.

The prosecution case is that from the
possession of petitioner no. 1 Shyamdeo Prasad 43 kgs. Ganja and
from the possession of petitioner no. 2 Keshar Prasad 85 kgs.
Ganja were recovered whereas from the possession of co-accused



Prayag Prasad 15 kgs. Ganja and 67 kgs. Ganja from the possession of other co-accused Rameshwar Prasad were recovered.

Considering the commercial quantity of recovery of Ganja the prayer for bail of the petitioners was rejected vide order dated 15.01.2015 passed in Cr. Misc. Nos. 43392 of 2014 and 43395 of 2014.

The report of learned Additional Sessions Judge-Ist, Gaya dated 08.03.2017 reflects that out of eight charge sheeted witnesses, six witnesses have been examined. The rest witnesses are official witnesses against whom warrants have been issued and the trial is likely to be concluded in April, 2017.

Considering the commercial quantity of recovery of Ganja and the advance stage of the trial, this Court is not inclined to revise the earlier order. Accordingly, the prayer for bail of the petitioners is rejected in connection with Barachatti P.S. Case No. 166 of 2014 pending in the court of learned Additional Sessions Judge Ist –cum- Special Judge, (NDPS Act), Gaya.

It is expected from the S.S.P., Gaya to produce all the witnesses before the learned trial court forthwith.

If the trial will not conclude within the time frame intimated to this Court by the learned trial court then the S.S.P.,



Gaya as well as learned trial court will transmit a report to this Court stipulating the reason for non-conclusion of trial and the petitioners will be at liberty to renew the prayer for bail.

(Dinesh Kumar Singh, J)

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