

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26123 of 2017

Arising Out of PS.Case No. -120 Year- 2016 Thana -KOTWALI District- MUNGER

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Vikash Modi, Son of Late-Vidyanand Modi, Resident of Mohalla-Shyampur, P.S.-Kotwali, Distt-Munger

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Sri N.K. Agrawal, Sr. Advocate
Mr. Jyoti Ranjan Jha

For the Opposite Party/s : Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 26-07-2017 Heard Sri N.K. Agrawal, learned senior counsel, assisted by Sri Jyoti Ranjan Jha, learned counsel for the petitioner and Smt. Pronati Singh, learned Additional Public Prosecutor .

This is the second attempt for grant of bail on behalf of the petitioner in Kotwali (Munger) P.S. Case No. 120 of 2016 registered for the offence under Section 20/ 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the “N.D.P.S. Act”) and Section 47 of the Bihar Prohibition and Excise Act, 2016.

It was submitted by learned senior counsel for the



petitioner that petitioner is in custody since 14th June, 2016 without any trial. He submits that till date even charge has not been framed and one of the co-accused has been granted bail. However, on perusal of the last order dated 15.12.2016 passed in Cr. Misc. No. 44542 of 2016 it is evident that besides accusation in the present case, the petitioner's prayer for bail was rejected in view of the fact that petitioner was also accused in other cases relating to offence under N.D.P.S. Act .

In this case by order dated 28.06.2017 a report was called from the court below regarding the stage of the case , which has been received and kept at flag 'A'. The report dated 3rd July , 2017 suggests that charge has not been framed. From perusal of the report it appears that one of the co -accused, who was granted bail , is none else but the wife of the petitioner who is already enjoying the privilege of bail and her petition for discharge under Section 227 of the Code of Criminal Procedure, 1973 was rejected and before the court below it was intimated that the co -accused Sangita Devi has also filed a quashing application before this Court vide Cr. Misc. No. 17428 of 2017 . This is the reason for non- framing of charge. It appears that on the one hand petitioner is claiming bail on the ground of non-framing of charge but on the basis of report it appears that



petitioner indirectly is trying to delay framing of charge.

In view of the facts and circumstances, I do not find any ground to review my earlier order.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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