

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33223 of 2016

Arising Out of PS.Case No. -12 Year- 2011 Thana -EAST CHAMPARAN GRP CASE District-
EASTCHAMPARAN(MOTIHARI)

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Nathuni Mahto S/o Rudal Mahto Resident of Village-Khatik, Ward No. 20
Mauje, P.S.- Raxaul, District-East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Mr. Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 03-05-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 20, 22, 23 of N.D.P.S. Act.

The report dated 26.07.2015 sent by learned 7th
Additional Sessions Judge, East Champaran, Motihari goes to
show that out of six charge sheeted witnesses, four prosecution
witnesses have already been examined and to procure the
attendance of remaining two prosecution witnesses, the process
have already been issued to Superintendent of Police, East
Champaran as well as Rail S.P, Muzaffarpur and furthermore, it
has been reported that FSL report is also not available on the



record.

Petitioner is in jail custody since 25.09.2011 on the charges that 2 kg. charas was recovered from his conscious possession and this court directed the trial court to conclude the trial of the petitioner within a period of four months but up till now, the trial of the petitioner could not be concluded.

However, learned counsel appearing for the State informs that one witness, namely, Hiralal Ram is no more whereas another witness, namely, Birendra Das is traceless.

If the aforesaid submission of learned counsel appearing for the State is correct, then the concerned Special P.P, who is working for prosecution in the court below, shall verify the aforesaid fact and take necessary steps in this regard before the court below by filing specific petition mentioning the aforesaid fact and furthermore, the concerned Special P.P. of the court below must take step to obtain the FSL report of N.D.P.S. Case No. 141 of 2011 arising out of Raxaul Rail P.S. Case No. 12 of 2011 and to produce the same before the court below within a month. Furthermore, the concerned Special P.P. may take help of Superintendent of Police, East Champaran, Motihari in this regard. It is made clear that any failure on the part of both the officials shall be viewed seriously.



So far as prayer of bail of the petitioner is concerned, I do not feel it proper to release him on bail and hence, his prayer for bail in connection with above stated case is again rejected.

However, the learned trial court is directed to dispose of N.D.P.S. Case No. 141 of 2011 arising out of Raxaul Rail P.S. Case No. 12 of 2011 within three months at any cost even after taking the trial of the petitioner on day to day basis. The failure on the part of trial court shall also be viewed seriously. It is also made clear that if the learned trial court fails to conclude the trial of the petitioner within the above stated period, the petitioner may renew his prayer for bail before the learned trial court itself and if petitioner files any bail petition due to non conclusion of his trial within the above stated period, the learned trial court shall pass appropriate order on the aforesaid bail application giving reason of non-conclusion of trial of the petitioner.

(Hemant Kumar Srivastava, J)

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