

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10141 of 2017

Arising Out of PS. Case No.-82 Year-2014 Thana- NAWANGAR District- Buxar

Umendra Kumar Pathak, Son of Shyam Narayan Pathak, Resident of Village- Kaluapur (Kanjuwapur), P.S. Kotwali Sadar, District- Lakhimpur Khiri (U.P.).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Nath Chaudhary

For the Opposite Party/s : Mr. SRI GANESH PRASAD SINGH

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 13-09-2017 This application is being taken up out of turn on the request of learned counsel for the petitioner through mentioning slip.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 20(B)(II) (C), 22, 27(A) and 29 of the NDPS Act.

The prosecution case is that on information, the police intercepted a truck at NH 30 while some goods were being unloaded on Scorpio. From the truck 6 quintals 67 kilograms and 380 gms. And from Scorpio 82 kilogram 30 gms. Ganja were recovered. The petitioner was the driver of the truck.

The prayer of the petitioner for bail was twice rejected earlier by this Court. However, vide order dated 5.1.2016 passed in Cr.



Misc. No. 245 of 2016, the petitioner was given liberty to renew his prayer for bail if the trial is not concluded within one year.

The report of the learned A.D.J. V, Buxar dated 3.7.2017 reflects that six prosecution witnesses have already been examined and eight chargesheet witnesses and some other expert witnesses are to be examined. But, since seven sets of lawyers used to appear on behalf of different accused and several interlocutory applications have been filed, hence it has caused delay in concluding the trial.

Considering the reasons assigned by the learned ADJ for non-conclusion of trial and the commercial quantity of recovery, this Court is not inclined to grant bail to the petitioner. This application is, accordingly, dismissed.

However, it is expected from the learned trial Court to conclude the trial of NDPS Case No. 5 of 2014 arising out of Nawanagar P.S. Case No. 82 of 2014 within a period of six months without giving undue adjournments to either side.

(Dinesh Kumar Singh, J)

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