

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12772 of 2016

Arising Out of PS.Case No. -35 Year- 2011 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

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1. Sajjid Ali @ Raju Son of Sri Saiyed Ali Thekedar, R/O Village + Post-
Gopalpur, P.S.- Farinda District- Maharajganj, (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Zonal Director of Narcotic Central Beauru (N.C.B.), Bihar, Patna through
Union of India.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Sinha
For the Opposite Party/s : Mr. Nand Kishore Prasad (App)
For the Union of India : Mrs. Shail Kumari, CGC

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

3 15-03-2017 Heard learned counsels for the petitioner and the State.

This is the 4th attempt on behalf of the petitioner to
renew his prayer for bail in a case registered for the offences
punishable under Sections 20(B),25 and 29(1) of the NDPS Act.

The petitioner is languishing in custody since 8.8.2011.
Recovery is of 2075 kilograms of ganja from the vehicle when the
petitioner was found to be the driver-cum-cleaner of the vehicle.

It is submitted by learned counsel for the petitioner that
the petitioner is cleaner when the owner and driver have
deliberately not been made accused by the prosecution.

Considering the commercial quantity of recovery,



earlier bail applications of the petitioner were rejected thrice.

The report dated 24.1.2015 earlier transmitted to this court by the learned 7th Additional Sessions judge-cum-Special Judge, NDPS, Patna reflected that the trial was at the stage of recording the statement of accused under section 313 Cr.P.C. and the time frame for concluding the trial was suggested as three months. In the circumstances, vide order dated 15.2.2017, fresh report was called for from the learned Additional Sessions Judge-VII, Patna.

Perused the report of the learned Additional Sessions Judge-VII, Patna dated 27.2.2017 at Flag 'A'. The report does not give any specific reason for not concluding the trial. The report further suggests that the matter is fixed for argument and it will be concluded within two months provided both sides cooperate.

Considering the defence stage of the trial and particularly, in view of the recovery of commercial quantity of ganja, this court is not inclined to revise the earlier order. The prayer of the petitioner for bail in connection with Special Case No. 35 of 2011 pending in the court of learned Addl. Sessions Judge- VII, Patna is rejected.

However, it is expected from the learned trial court to positively conclude the trial within a period of two months time



frame as stipulated in the report dated 27.2.2017.

(Dinesh Kumar Singh, J)

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