

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34661 of 2017

Arising Out of PS.Case No. -89 Year- 2016 Thana -MADANPURA District- AURANGABAD

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1. Santosh Kumar Jena @ Santosh Kumar Jain Son of Lambodar Jena, R/o Village- Brhmpur, P.S.- Brhmpur, District- Ganjm (Odisha). At present R/o Sector-15 Jhopari, P.S.- Sector 15 Raur Kela, District- Sundar Garh (Orisha).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Rajendra Nath Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-10-2017 Heard learned counsel for the petitioner, learned
counsel for the Union of India and learned APP for the State.

Petitioner is languishing in judicial custody since 05.07.2016 in connection with GR(NDPS) No. 07 of 2016, arising out of Madanpur P.S. Case No. 89/16 for offences punishable under Section 20 of the N.D.P.S. Act and Section 47 of the Bihar Excise (Amendment) Act, 2016.

The prosecution case, as lodged by the police personnel, is that while on evening patrolling on secret information that huge quantity of ganja is being transported, the Indigo car of the petitioner was intercepted and the petitioner was alleged to be the driver of the said car. From the



car 160 kgs of ganja was recovered, and, accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, was the driver of the said vehicle and he was neither the owner nor the passenger, namely, Kamaljeet Mohanti, who had hired the car.

In this context a report was called for from the court of learned Addl. Sessions Judge-I cum Special Judge, Aurangabad regarding the stage of trial.

A report vide letter No. 223/2017 dated 18.09.2017 has been received stating therein that out of nine charge-sheet witnesses, seven have been examined and the trial is likely to be concluded within three months.

Considering the aforesaid report and the submissions of the parties, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with GR(NDPS) No. 07 of 2016, arising out of Madanpur P.S. Case No. 89/16, pending in the court of learned Addl. District and Sessions Judge-1 cum Special Judge, Aurangabad.

Application is, accordingly, rejected. However, learned court below is directed to expedite the trial and conclude the same within three months and if not concluded



within the said time, the petitioner is at liberty to renew his
prayer for bail after three months.

(Nilu Agrawal, J)

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