

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52624 of 2016

Arising Out of PS. Case No.-34 Year-2016 Thana- VAISHALI District- Vaishali

Daya Kumar Chaudhary, Son of Late Jageshwar Choudhary, Resident of
Village- Daulatpur, Police Station- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh

Mr. Satya Prakash

For the Opposite Party/s : Mr. SRI MITHILESH KUMAR KHARE

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 06-12-2017

Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 17,22 and 23 of the NDPS Act.

The prosecution case is that on secret information that trafficking of ganja is going on, the informant being police officer intercepted two motorcycles and found one plastic bag containing some packets. Two persons were found travelling on the motorcycles, namely, Sanjeev kumar alias Mantu and Suresh Rai. In the meantime, two persons came on a motorcycle, namely, co accused Sanjeet Kumar and the



petitioner. Admittedly from both the motorcycles 44 kilogram ganja were recovered.

It is submitted by learned counsel for the petitioner that the petitioner is having no criminal antecedent. Statement to that effect has been made in paragraph 3 of the petition. Moreover, the search and seizure has been made in violation of the provision under section 50 of the NDPS Act and there is no likelihood of the trial being concluded in near future. It is further submitted that altogether four persons were intercepted with 44 kilograms of ganja and it comes to 11 kilograms per person, which is between small and commercial quantity.

Considering the report of the Superintendent of Police, Vaishali dated 4.12.2017 to the effect that out of fourteen chargesheet witnesses, eight have already been examined and within a period of four months the trial is expected to be concluded.

In the circumstances, this Court is not inclined to revise the earlier order. However, the trial arising out of Vaishali (Belsar OP) P.S. Case No. 34 of 2016 may be concluded within four months. In case the trial is not concluded within four months, without there being any laches on the part of the petitioner, the petitioner will be at liberty to renew his



prayer for bail.

With the aforesaid terms, this application is
disposed of.

(Dinesh Kumar Singh, J)

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