

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43983 of 2017

Arising Out of PS.Case No. -164 Year- 2014 Thana -FATUHA District- PATNA

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Prem Sahani, Son of Kapil Muni Sahani, Resident of Kanti Factory,
Mahatma Gandhi Nagar, P.S.- Agamkuan, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Sri Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 04-04-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has renewed the prayer for bail in Fatuha P.S. Case No. 164 of 2014 (Special Case No. 43 of 2014) registered for the offences punishable under Sections 399, 402 of the Indian Penal Code, 25(1-B)a/26/35 of the Arms Act, 3/4 of Explosive Substances Act and 20/22 of the NDPS Act.

The prosecution case is to the effect that on information that the miscreants are planning to commit dacoity, raid was laid, when from the possession of the petitioner, one kilogram of Charas and two live bombs were recovered.

Considering the criminal antecedent of the petitioner and commercial quantity of recovery, the earlier prayer



for bail of the petitioner was rejected vide order dated 01.03.2016 passed in Cr. Misc. No. 8703 of 2016, as contained in Annexure-1.

It is submitted by learned counsel for the petitioner that after arrest in the present case the petitioner has been remanded mechanically by the police in three other cases. The petitioner is languishing in custody since about four years and there is no likelihood of trial being concluded in near future.

The report of learned Additional District & Sessions Judge-X, Patna dated 24.01.2018 suggests that the trial could not commence since out of 11 accused persons, six were not in appearance and now the trial of five persons including that of the petitioner have been split up, hence now the trial is likely to be concluded within a period of nine months.

In view of the commercial quantity of recovery and the time frame for conclusion of trial, as transmitted by the learned trial Court, coupled with the embargo under Section 37 of the NDPS, this Court is not inclined to revise the earlier order of rejection of bail.

However, if the trial will not be concluded within the time frame the petitioner will be at liberty to renew the prayer for bail.

It is expected from the learned trial Court that



when a report is being called for he has not only to give accounting of delay from the date when the record was transferred to his court or after his taking charge of the court concerned, but he has also to mention the effort being taken by his predecessor in office in concluding the trial. I hope and trust that the learned trial Court will keeps in mind such issues, while transmitting the report to this Court in future.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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