

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4834 of 2017

Arising Out of PS.Case No. -34 Year- 2016 Thana -VAISHALI District- VAISHALI(HAJIPUR)

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Suresh Rai, S/o- Brij Nandan Rai, Resident of Village- Magurahi, P.S.-
Ganga Bridge, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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

05/ 07-03-2018

The petitioner has renewed the prayer for bail

in Vaishali (Belsar O.P.) P.S. Case No. 34 of 2016 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 a Pulsar motorcycle on which two
persons were travelling along with one plastic bag containing
some packets of ganja. The two persons were identified as Sanjeev
Kumar @ Mantu and Suresh Rai, the petitioner. In the meantime,
two persons came on another motorcycle on which Sanjeet Kumar
and Daya Kumar Chaudhary were travelling, from which three
packets were recovered. Altogether 44 kgs. ganja were recovered



from both the motorcycles.

It is submitted by learned counsel for the petitioner that the recovery cannot be treated from the possession of the petitioner and the petitioner is languishing in custody since 03.02.2016. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the commercial quantity of recovery the earlier prayer for bail of the petitioner was rejected vide order dated 30.06.2016 passed in Cr. Misc. No. 27025 of 2016, as contained in Annexure-1.

From the report of Ist Additional Sessions Judge –cum- Special Judge, Vaishali at Hajipur dated 28.10.2017 at Flag ‘B’ it appears that one witness has been examined and the trial is likely to be concluded within a period of five months. However, the report of Superintendent of Police, Vaishali dated 02.01.2018 at Flag ‘C’ suggests that eight charge sheet witnesses have been examined till 04.12.2017 and the trial is likely to be concluded within a period of four months as has been suggested by the Special P.P., NDPS Act and considering the same, the prayer for bail of co-accused Daya Kumar Chaudhary was rejected by this Court vide order dated 06.12.2017 passed in Cr. Misc. No. 52624 of 2016.



In view of the fact that eight charge sheet witnesses have been examined and the trial is likely to be concluded within a period of four months, this Court is not inclined to revise the prayer for bail. However, if the trial is not concluded within a period of four months without any laches on the part of the petitioner, the petitioner may renew the prayer for bail.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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