IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40147 of 2017

Arising Out of PS. Case No.-319 Year-2015 Thana- ARA NAWADA District- Bhojpur

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Raj Kumar Ram @ Raj Kumar @ Ram Kumar Ram S/o Kharhar Ram, R/o Village-Chhotaki Sasaram, P.S.-Udwant Nagar, District-Bhojpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rina Sinha
For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 02-05-2018 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 20 and 22 of the NDPS Act.

The prosecution case is that on an information that the petitioner along with others are selling contraband articles, raid was laid when the petitioner along with co accused Kamlesh Kumar and Bhikhan Rajak were apprehended. From the possession of the petitioner 250 grams heroin along with mobile and cash of Rupees Four Thousand were recovered.

It is submitted by learned counsel for the petitioner that in fact the police in connivance with the other accused persons has falsely shown the recovery from the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is

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not having any criminal antecedent. The petitioner is languishing in custody since 11.9.2015. It is further submitted that the FSL report has still not been received before the learned trial court. Moreover, till date the informant and the I.O. have not been examined and hence, there is no likelihood of the trial being concluded in near future.

Learned APP submits that the recovery of contraband is of commercial quantity. The report of the learned 6th Additional Sessions Judge, Bhojpur at Ara dated 3.4.2018 at Flag 'E' suggests that only two witnesses are left to be examined and the prosecution has sought for one month time for production of two left over witnesses, hence, altogether two months' time will be taken in concluding the trial. However, learned counsel for the petitioner submits that report of the learned trial court is dated 3.4.2018, hence almost one month is over but no witness has been examined.

Considering the advanced stage of trial, this court is not inclined to revise the earlier order. The prayer of the petitioner for bail in connection with NDPS Case No. 11 of 2015 is rejected. However, if the left over witnesses will not be produced leading to non-conclusion of trial within stipulated time, then the Superintendent of Police, Bhojpur at Ara will be

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answerable to this Court. It is expected from the learned trial court to conclude the trial expeditiously. Needless to say, if the trial is not concluded by 4th June, 2018, the petitioner will be at liberty to renew his prayer for bail after moving the trial court at first.

(Dinesh Kumar Singh, J)

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