

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37155 of 2017

Arising Out of PS. Case No.-56 Year-2016 Thana- JOGBANI District- Araria

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Arun Rishideo, Son of Rasanu Rishideo, Resident of Village- Ukhar Katta,
Ward No.1, P.O. and P.S.- Laxhminiya, District- Morang, Nepal.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Navin Kumar, Adjutani, 56 B, Bataliyan, S.S.B., Bathnaha, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-04-2018 Heard learned counsel for the parties.

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

The prosecution case is that from the possession of the petitioner two packets of heroin each containing 450 gm, total weighing 900 gm. Were recovered.

It is submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 6.5.2016 and he is not having any criminal antecedent. It is further submitted that there is no likelihood of the trial being concluded in near future.

Considering the commercial quantity of recovery, the petitioner's prayer for bail was earlier rejected vide order dated 30.8.2016 passed in Cr. Misc. No. 36281 of 2016.



The report of the learned Ist Additional Sessions Judge, Araria dated 24.1.2018 reflects that though not a single witness has been examined till date but the learned court below will try to conclude the trial within nine months. This court is inclined to observe that the court concerned is not only supposed to give reason for delay in conclusion of the trial from the date the records were transferred to the concerned trial court or from the date he took charge of the concerned court but it is also expected from the court concerned to mention in the report the steps being taken for conclusion of the trial by him or by his predecessor, which is available in the records.

Be that as it may, in view of the commercial quantity of recovery and the report of the learned trial court that the trial will be concluded within nine months, prayer of the petitioner for bail is rejected in connection with Jogbani P.S. Case No. 56 of 2016. However, in case the trial is not concluded within nine months, the petitioner will be at liberty to renew his prayer.

(Dinesh Kumar Singh, J)

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