

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45053 of 2018

Arising Out of PS.Case No. -423 Year- 2016 Thana -BARACHATTI District- GAYA

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Md. Mohsin S/o Md. Hassan, R/o Khetrajpur, P.S.- Khetrajpur, District- Sambalpur (Orissa).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 19-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier, prayer for bail of the petitioner was rejected in Cr. Misc. No. 41764 of 2017 vide order dated 18.10.2017.

Petitioner is languishing in judicial custody since 24.10.2016 in connection with Barachatti P.S. Case No. 423 of 2016 for offences punishable under Sections 420, 467, 468, 471, 120(B), 414 of the Indian Penal Code and Section 8/20(B)/11(S)/22/25/29 of the NDPS Act.

The prosecution case, as lodged by the police



personnel, is that 100 kg. Ganja was recovered from the vehicle being driven by the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, nothing has been recovered from his conscious possession, he is not owner of the car but a driver and has been falsely implicated.

However, learned APP for the State opposes the prayer for bail.

In this regard, the stage of the case was called for from the court of the learned Additional District and Sessions Judge-4th, Gaya who has sent a report vide letter no. 264 dated 12.09.2018 stating therein that three witnesses have already been examined and if both parties cooperate, the case will be disposed off within two months.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner in connection with Barachatti P.S. Case No.423 of 2016, pending in the court of learned Additional District and Sessions Judge-IV, Gaya.

The application is, accordingly, rejected.

However, petitioner may move for bail after two



months, if trial is not concluded by that time.

(Nilu Agrawal, J)

Devendra/Priyanka

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