

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55680 of 2016

Arising Out of PS.Case No. -65 Year- 2009 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

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Pramod Kumar, S/o Banaras Rai, R/v- Rampur, Shyam Chand, (Vyapari Tola), P.S.- Raghapur, Distt. 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. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 10-01-2018

The petitioner has renewed the prayer for bail in Raghapur P.S. Case No. 65 of 2009 registered for the offences punishable under Sections 20 and 22 of the NDPS Act, pending in the Court of learned Ist Additional Sessions Judge –cum- Special Judge, Vaishali at Hajipur.

The prosecution case is that the informant intercepted an Auto rickshaw from which 20 kg. ganja kept in a bag was recovered and one person was found fleeing away from the Auto rickshaw. The Auto rickshaw driver was caught, who disclosed his name as Pankaj Kumar and suggested the name of the petitioner who was carrying the contraband.



Considering the commercial quantity of recovery, the petitioner's earlier prayer for bail was rejected vide order dated 26.07.2016 passed in Cr. Misc. No. 19677 of 2016.

Learned counsel for the petitioner submits that the recovery has been made from the Auto rickshaw which was driven by Pankaj Kumar, who has been granted bail by a Bench of this Court vide Cr. Misc. No. 38048 of 2009. The recovery cannot be treated from the possession of the petitioner. The petitioner is not having any criminal antecedent and is in custody since 12.02.2016.

An affidavit has been filed by S.P., Vaishali making statement in paragraph 4 that he is closely monitoring production of the witnesses for the speedy trial. Out of 11 witnesses, 5 witnesses have been examined and rest 6 witnesses are likely to be produced soon.

Considering the stage of trial, this Court is not inclined to revise the earlier order. It is expected from S.P., Vaishali to produce all the witnesses within the time frame. It is expected from learned trial Court to expedite the trial.

Accordingly, this application is disposed of with liberty to the petitioner to renew the prayer for bail if the trial is not concluded within a period of nine months.



Let a copy of the order be transmitted to S.P.,
Vaishali.

DKS/- **(Dinesh Kumar Singh, J)**

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