

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19119 of 2018

Arising Out of PS.Case No. -111 Year- 2017 Thana -KANHAULI District- SITAMARHI

1. Kishori Baitha Son of Muneshwar Baitha, R/o Village-Sukhchaina, Ward No.9, P.S.-Sunderpur, District-Sarlahi (Nepal)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

8 21-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 8/20(B)(ii)/A of the N.D.P.S.Act.

According to FIR, more than 21 Kgs of Ganga was recovered from a four wheeler on which the petitioner and co-accused-Sunil Yadav were travelling.

Submission of the learned counsel for the petitioner is that petitioner was mere passenger. The confession, which was recorded by the police, does not contain the statement that the same was read over to the petitioner. Moreover, there is serious infirmity in compliance of law in the matter of search and seizure. Petitioner is in



custody since 26.09.2017. Petitioner has got no criminal antecedent.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on bail in connection with Kanahauli Police Station Case No. 111 of 2017 pending in the court of learned Sessions Judge-cum-Special Judge, Sitamarhi/successor court.

Hence, prayer for bail is refused.

The learned trial court is directed to expedite the trial and conclude the same preferably within nine months from the date of receipt/production of a copy of this order.

(Birendra Kumar, J)

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