

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53090 of 2018

Arising Out of PS. Case No.-100 Year-2018 Thana- DAGARUA District- Purnia

Janu Mian S/o Manik Mian, R/o Mohalla- Nishant Para, Joginder Nagar, P.S.-
Arundhuti Nagar, District- West Tripura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 06-10-2018 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with
Dagarwa P.S. Case No. 100 of 2018 registered for the offence
punishable under Sections 8, 20 (b) (ii) (c) and 25 of the
N.D.P.S. Act.

30.549 Kg. of ganja is said to have been recovered
from a Tata Indigo Car and petitioner, who happens to be its
driver and another accused namely, Jhutan Miyan were
apprehended.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has no concern with the



seized contraband. He happens to be driver of the aforesaid car and the aforesaid search and seizure has not been made by the officer of the rank of Inspector as notified by the Government under Section 42 of the N.D.P.S. Act. He has no criminal antecedent. He has been languishing in custody since 06.06.2018. Hence, he deserves bail.

On the other hand learned APP opposing the bail prayer of the petitioner submitted that huge quantity of ganja has been recovered from the car and petitioner and one other accused were apprehended from the said car. The aforesaid search and seizure has been conducted by the informant, who happens to be S.H.O. of the P.S. Dagarwa. Hence, the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer is rejected.

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of receipt/production of a copy of this order and S.P. Purnea is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P.



Purnea by fax for needful.

(Prakash Chandra Jaiswal, J)

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