

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12869 of 2019**

Arising Out of PS. Case No.-66 Year-2017 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

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Md. Athar Hussain, Male, aged about 41 years, Son of Md. Mujtaba Resident
of Village- Bishanpur Kesbauli, Police Station- Baligaon, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda
For the Opposite Party/s : Mr. Arun Kumar

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

ORAL ORDER

4 10-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Samastipur (Rail) P.S. Case No. 66 of 2017 registered under
Sections 20, 22 and 23 of the N.D.P.S. Act.

22.93 Kg. Ganja is said to have been recovered from
the bag of the petitioner at the platform of Samastipur Railway
Station.

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. As a matter of fact, he was waiting for
the train at the platform, in the meantime, he was apprehended



by the police merely on suspicion. He has no criminal antecedent and has been languishing in custody since 19.08.2017. Earlier, the bail prayer of the petitioner was rejected and a report was called for from the court below regarding the stage of trial. Responding the same, learned court below vide letter no. 85 dated 25.03.2019 has submitted that the case is fixed for argument on behalf of the defence.

Considering 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 dispose of the case at the earliest.

Defence is also expected to extend full cooperation in conclusion of the trial at the earliest.

(Prakash Chandra Jaiswal, J)

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