

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44541 of 2019

Arising Out of PS. Case No.-65 Year-2013 Thana- DUMARIAGHAT District- East
Champanan

Parambir Singh, S/o Ajit Singh @ Ajeet Singh, Resident of Village- Rattar
Chhattar, P.S.- Dera Baba Nanak, Dist.- Gurdaspur, Punjab.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 25-09-2019 Perused the report of learned 1st Additional Sessions
Judge -cum- Special Judge, East Champanan, Motihari dated
19.08.2019 from which it appears that out of 9 charge sheet
witnesses, 8 witnesses have been examined and the trial is
pending for evidence of I.O. only. Consequently, vide orer
dated 28.08.2019 Mr. J.N. Thakur, learned APP was directed to
seek instruction from Superintendent of Police, East Champanan
as under what circumstances the I.O. has not been examined.

The letter of Superintendent of Police, East
Champanan, Motihari dated 16.09.2019 reflects that the I.O. was
examined on 16.10.2016 but he was again recalled by the
learned trial Court at the instance of the defence vide order
dated 15.12.2016. The I.O. was directed to appear on



06.09.2019 but he could not appear. Subsequently, it was brought to the notice of the S.P., East Champaran, Motihari that S.I. Shambhu Kumar, I.O. of the case was transferred to Muzaffarpur and he has been made accused in Vigilance case and he is in judicial custody since 18.07.2019 which suggests the callous manner in the office of the S.P. is functioning.

Let learned trial Court as well as S.P., East Champaran, Motihari take necessary steps for production of the I.O. from the custody.

It is expected from S.S.P., Muzaffarpur to get the I.O. produced before the learned trial Court after taking appropriate orders from the concerned Court.

The petitioner has renewed the prayer for regular in connection with Dumariyaghat P.S. Case No. 65 of 2013 (NDPS Case No. 87 of 2013) registered for the offences punishable under Sections 20, 22 and 25 of the NDPS Act, pending in the Court of learned 1st Additional Sessions Judge, East Champaran, Motihari.

The prosecution case is that on a secret information two trucks were intercepted on NH 28 near village Semuapur and Five quintals of ganja was recovered from the truck bearing Registration No. HR 55Q3129, while 4 quintals 55 kgs of ganja



was recovered from the other truck bearing Registration No. HR55Q3140. The driver of the second truck disclosed his name as Nishan Singh, whereas petitioner was the cleaner of the truck bearing Registration No. HR 55Q3140.

Considering the commercial quantity of recovery and the trial is on the verge of conclusion, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

Let the trial be concluded expeditiously.

(Dinesh Kumar Singh, J)

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