

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29515 of 2019**

Arising Out of PS. Case No.-37 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.  
District- East Champaran

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BIRESH PATEL Son of Achchelal Raut Resident of Village- Nayak Tola,  
P.S.- Harpur, District-East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Union of India through Zonal Director, Narcotics Control Bureau,  
Patna. Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate  
For the Opposite Party/s : Shail Kumari, Advocate

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

18-10-2019                      Heard learned counsel for the petitioner and learned  
counsel for the Union of India.

Learned counsel for the petitioner submits that the entire procedure of seizure is not in accordance with the mandate of the N.D.P.S. Act and, therefore, the petitioner is entitled to the privilege of bail. It is further submitted that though the alleged seizure was made on 7<sup>th</sup> of October, 2018, the petitioner was taken into custody on 8<sup>th</sup> of October, 2018 and thereafter, he was produced before the Court on the 9<sup>th</sup> of October, 2019. He thus, submits that the entire procedure is irregular and the petitioner may be extended the privilege of bail.

Learned counsel for the Union of India, however, submits that the amount of quantity which is 7.6 K.Gs. was



seized from the very person of the petitioner and was tested positive for Charas and, therefore, the petitioner is not entitled to the privilege of bail. She further submits that the trial may well be under progress and may be directed to be concluded.

Having considered the entire facts and circumstances of the case and the fact that the petitioner was caught red handed, I am not inclined to grant regular bail to the petitioner. It is accordingly, rejected.

However, the District and Sessions Judge-cum-Special Judge, East Champaran at Motihari is directed to expedite the trial and conclude positively within a period of six months from the date of receipt/production of a copy of this order.

**(Anjana Mishra, J)**

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