

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32297 of 2019

Arising Out of PS. Case No.-347 Year-2016 Thana- BARACHATTI District- Gaya

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BINOD PANDEY Son of Shankar Pandey @ Shambhu Pandey @ Shambhu
Nath Pandey Resident of Village - Champura, P.S.- Baikunthpur, District -
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 14-08-2019 Heard the parties.

Earlier the prayer for bail of the petitioner was rejected by this Court, vide order dated 18.3.2017 passed in Cr. Misc. No.7966 of 2017, again vide order dated 12.7.2017 passed in Cr. Misc. No.31703 of 2017, thirdly vide order dated 15.11.2017 passed in Cr. Misc. No.39765 of 2017 and vide order dated 8.8.2018 passed in Cr. Misc. No.37369 of 2018.

There is recovery of 66 kg. Of Ganja .

Submission of the learned counsel for the petitioner is that he was only a passenger and the other persons have been granted bail by a Co-ordinate Bench of this Court, vide order dated 7.7.2017 passed in Cr. Misc. No.29721 of 2017 and further submission is that no substantive progress has been



made in the trial. He is in custody for more than two years. .

Heard learned A.P.P. and perused the report submitted by the learned trial court from which it appears that after direction of this Court seven witnesses have been examined out of 11 charge-sheered witnesses, however, attendance of eight witnesses was filed, one of the the accused is absconding and the learned counsel for the petitioner has said that he has no instruction, as such the learned counsel for the petitioner has no objection if the case is posted for appearance..

Having heard both sides and considering the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner, however, the learned trial court is directed to separate the trial of the petitioner from the absconding accused persons and proceed her trial and try to conclude it within a further period of seven months.

At the same time, the Sr.S.P., Gaya is directed to produce the witnesses .

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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