

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33519 of 2019**

Arising Out of PS. Case No.-701 Year-2016 Thana- KHAGARIA District- Khagaria

ANJANI KUMAR SINGH @ ANJANI SINGH S/o Late Sumarika Prasad
Singh R/o village- Jamin Degari, P.S.- Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Nagendra Prasad

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER**

3 18-07-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Khagaria P.S. Case No.
701/2016, instituted for offence under Section(s) 8/20(b)(ii)(B)
of the NDPS Act.

Earlier prayer for bail of petitioner was twice rejected
by different Benches of this Court vide orders dated 18.05.2017
passed in Cr. Misc. No. 19320/2017 and dated 26.07.2018
passed in Cr. Misc. No. 25405/2018. By the subsequent order
trial court was directed to expedite the trial and conclude the
same preferably within a period of nine months. The petitioner
was given liberty to renew the prayer for bail if trial is not
concluded within aforesaid period.

It is alleged in the written report that 14kg and 800gm



Ganja was recovered from possession of petitioner. The petitioner could not produce valid paper with respect to recovered item.

Report from the court below about stage of trial has been received. It appears that after lapse of nine months trial has not been concluded. The record was kept pending in the court of Addl. Sessions Judge 1st, Khagaria. The court was vacant since 05.05.2018. Record was transferred to the Court of Addl. Sessions Judge 3rd, Khagaria which was received in the court on 08.02.2019. Thereafter P.O. was changed. The case record was put up for the first time before the present trial court.

In this manner, there is negligence on the part of the District Judge, Khagaria to keep the record pending in the vacant court whereas there was specific direction to the trial court to expedite the trial and dispose off within nine months. The District Judge should have taken steps to transfer the case to other running court from the vacant court. The District Judge is warned to be careful in future otherwise serious view will be taken.

In view of such, this Court is not inclined to grant bail to petitioner. Prayer for bail of petitioner is again rejected.

Trial court has mentioned in the report that trial is



likely to be concluded within six months.

The trial court is directed to expedite the trial and conclude the same within six months from the date of receipt/production of copy of this order either by fixing the case on day to day basis or by giving short adjournment and send compliance report.

Let the order be communicated to the concerned trial court and District Judge, Khagaria.

(Sanjay Priya, J)

rakhi/-

U		T	
---	--	---	--

