

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56906 of 2018

Arising Out of PS. Case No.-325 Year-2002 Thana- BUXAR District- Buxar

Sabhapati Yadav @ Master Yadav @ Master, Son of Sitaram Yadav, Resident of Village - Budhanpurwan, Buxar, P.S. - Buxar Town, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjana Kumar

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

9 17-09-2019 Heard learned counsels for the petitioner and State.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 20, 21, 25, 27(A) and 29 of the NDPS Act and Section 47(a) of the Excise Act.

The prosecution case is that on the basis of secret information, the house of the petitioner was raided and 550 grams of heroin, weighing equipment of small quantity, cash of Rs. 520/- from the bag kept underneath the bed of the petitioner and from an airbag 3 Kg of ganja were recovered. The wife and son of the petitioner conveyed to raiding team that the trade of heroin is carried out by the petitioner.

Learned counsel for the petitioner submits that the recovery has been made from the joint family house. A



statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is further submitted that co-accused persons have been acquitted by the Division Bench of this Court, vide judgment dated 14.02.2007, passed in Cr. Appeal (DB) No. 249 of 2004.

Learned APP, however, submits that the case was registered on 19.02.2002 and the petitioner was arrested on 23.03.2016 and commercial quantity of heroin has been recovered from the house of the petitioner. Moreover, a supplementary affidavit dated 11.09.2019 has been filed on behalf of the S.P., Buxar to the effect that all the prosecution witnesses have already been examined and this fact has not been controverted by learned counsel for the petitioner.

Considering the fact that the trial is on the verge of conclusion and the quantity of recovery, being commercial in nature, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail of the petitioner is rejected in connection with NDPS Case No. 36A of 2002, arising out of Buxar (Town) P.S. Case No. 325 of 2002, pending in the Court of learned Additional District and Sessions Judge-VI, Buxar.



However, considering the fact that the petitioner has remained in custody for more than three years and co-accused persons have been acquitted, learned trial Court is expected to conclude the trial within a period of three months.

If the trial would not be concluded within a period of three months, the petitioner will be at liberty to renew the prayer for bail.

With the above observation and direction, the present application is disposed of.

Let a copy of the order be transmitted to the learned Additional District and Sessions Judge-VI, Buxar.

(Dinesh Kumar Singh, J)

Amrendra/-

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