

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43844 of 2019

Arising Out of PS. Case No.-7 Year-2017 Thana- BARHARIA District- Siwan

Reyajuddin @ Reyajuddin Mian Son of Late Aziz @ Aziz Mian, Resident of
Village - Chanp (Paschim Tola), P.S.- Sarai, O.P. Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-09-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The present petition for grant of regular bail filed at the behest of the petitioner in connection with Barharia PS case no. 07 of 2017 under Sections 20/22 of N.D.P.S. Act, is a third attempt on his behalf, inasmuch as the first prayer made by the petitioner for grant of regular bail was rejected by this Court vide order dated 19.09.2017 passed in Cr. Misc. no. 45548 of 2017 on the ground that the petitioner is an habitual offender and as many as, eight cases are pending against him. Again, the prayer of the petitioner for grant of regular bail was rejected by this Court vide order dated 08.08.2018 passed in Cr. Misc. no. 33691 of 2019.



A report has been received by this Court from the learned Court of Additional District & Sessions Judge 1st-cum-Special Judge, Siwan which has been sent vide letter dated 03.08.2019, wherein it has been stated that three witnesses out of five charge-sheet witnesses, have already been examined in the present case and two more prosecution witnesses are to be examined, hence the trial is likely to be concluded within a period of six months.

I have heard the learned counsel for the parties and I find that there is no change in the circumstances, from the time the earlier two bail petitions of the petitioner were dismissed, till date.

Moreover, I find from paragraph no. 3 of the present petition that 09 cases are pending against the petitioner herein, hence this Court finds that societal concern has to be kept in view in juxtaposition of individual liberty and every social concern deserves to be given priority, over-lifting the restriction on liberty of the accused, in such cases, as has been held by the Hon'ble Apex Court in a judgment reported in **(2012) 9 SCC 446 (Ash Mohammad v. Shiv Raj Singh @ Lalla Babu & Anr.)**, hence on the ground of the petitioner having a bad



criminal antecedent, the present petition is fit to be dismissed,
even otherwise.

Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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