

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 69070 of 2018

Arising Out of PS. Case No.-727 Year-2017 Thana- Ahiyapur District- Muzaffarpur

Vinay Kumar Rai, Son of Harikant Rai, Resident of Village- Hevanpur, P.S.
Patori, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Y.C.Verma, Sr.Adv. Mr. Raja Ram Rai
For the Opposite Party/s :		Mr. Indra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 02-01-2019 Heard Sri Y.C. Verma, learned senior counsel assisted by Sri Raja Ram Rai, learned counsel for the petitioner and Sri Indra Kumar Singh, learned Addl. Public Prosecutor.

This is the 2nd attempt for grant of bail on behalf of the petitioner in Ahiyapur P.S.Case No. 727 of 2017 registered for offence under Section 414 of the Indian Penal Code, Sections 25(1-b)a, 25(1-AA), 25(1-AAA), 26(ii), 35 of the Arms Act, 1959, Sections 8, 20(b)(ii)(B) of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short “N.D.P.S. Act”) and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Earlier, on 16-05-2018, vide Cr. Misc. No. 18857 of 2018, the prayer for bail of this petitioner was rejected.

Sri Y.C.Verma, learned senior counsel for the petitioner submits that petitioner has filed the present petition



for grant of bail on the ground of period of custody as well as the fact that some of the other similarly situated accused persons have been extended the privilege of bail. He tried to persuade the Court to consider the case on merit, however; since the prayer for bail was already rejected, there is no reason to again consider the same thing.

So far as two grounds, which have been taken by learned senior counsel for the petitioner that the period of custody as well as parity i.e. grant of bail to some of other accused persons, are concerned, I am of the opinion that petitioner may not be granted privilege of bail even on aforesaid grounds, since he is an accused in a case relating to recovery of *Ganja* of commercial quantity and as such, Section 37 of the N.D.P.S. Act will come into play, which restrains granting bail in such cases. Once on merit, the prayer for bail of this petitioner was rejected, there is no reason to reconsider the same thing.

The prayer for bail again stands rejected.

(Rakesh Kumar, J.)

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