

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52162 of 2019**

Arising Out of PS. Case No.-170 Year-2018 Thana- DIDARGANJ District- Patna

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SAROJ RAI @ SAROJ RAM Son of Late Surendra Rai Resident of Village -
Mohanpur, P.S.- Raghapur, Dist.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha
For the Opposite Party/s : Mr.Kanhaiya Kishore (App 100)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 30-09-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Special Case No. 8898 of 2018 arising out of Didarganj P.S.
Case No. 170 of 2018, registered for the offence punishable
under Sections 20, 22 of the N.D.P.S. Act and Sections 30(a),
38(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding 9.255 kg. of ganja as well as
4.500 liters of foreign liquor being recovered from the petitioner
herein.

The learned counsel for the petitioner has submitted that
the petitioner had earlier approached this Court for grant of



regular bail, however, the same was rejected vide order dated 26.2.2019 passed in Criminal Miscellaneous No. 77315 of 2018. However, the trial court was directed to expedite the trial and it was observed that the petitioner would be free to renew his prayer for bail after six months if no substantial progress is made in the case.

Perused the reports sent by the learned court of Special Judge, Excise, Patna dated 5.9.2019 wherein it has been stated that the case is pending for framing of charges on account of want of supply of police papers to the petitioner herein. Thus, it is apparent that the trial has not made any progress whatsoever. Even on merits, the quantity which is said to have been recovered i.e. 9.255 kg. of ganja is much less than the commercial quantity specified in the Schedule to the NDPS Act, 1985.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in



connection with Special Case No. 8898 of 2018 arising out of
Didarganj P.S. Case No. 170 of 2018.

(Mohit Kumar Shah, J)

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