

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 74709 of 2018

Arising Out of PS. Case No.-119 Year-2016 Thana- Gandhimaidan District- Patna

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Rakesh Kumar S/o Ashwani Prasad @ Ashni Prasad @ Ashwani Kumar @
Ashwani Kumar Paswan Resident of Mohalla- Shastri Nagar, Police Station-
Rampur, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lakshman Lal Pandey

For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 23-01-2019 Heard Sri Lakshman Lal Panday, learned counsel for
the petitioner and Sri Madan Kumar, learned Addl. Public
Prosecutor.

This is 3rd attempt for grant of bail on behalf of the
petitioner in Gandhi Maidan P.S. Case No. 119 of 2016 (Special
Case No. 12 of 2016) registered for offence under Sections 8,
21, 29 of the Narcotic Drugs & Psychotropic Substances Act,
1985 (for short 'N.D.P.S. Act').

Learned counsel for the petitioner tried to persuade
the Court that during evidence, neither the investigating officer
has properly supported the prosecution case nor forensic report
has been received in the court below.

Fact remains that the petitioner is in custody on an



accusation of recovery of about 485 gm of *Heroin* and twice on merit, the prayer for bail of the petitioner was rejected. It is also evident that evidence is going on. Once the trial has commenced and the case pertains to an offence under the N.D.P.S. Act relating to recovery of *Heroin*, there is no reason to review my earlier order.

Accordingly, the prayer for bail again stands dismissed.

However, while dismissing the prayer for bail and considering the period of custody, it is desirable to observe that the learned court below as well as the prosecution may take appropriate step so that the case may come to its logical end without unnecessary delay.

(Rakesh Kumar, J.)

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