

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58535 of 2019

Arising Out of PS. Case No.-27 Year-2017 Thana- KALYANPUR District- East Champaran

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MUKESH KUMAR DAS S/O Manohar Das Resident of Village- Govindpur,
P.S.- Kalyanpur, District- East Champaran (Motihari).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Narayan Singh

For the Opposite Party/s : Mr.Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-12-2019 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner seeks bail in a case registered under Section 414
of the Indian Penal Code and Sections 20, 22 & 23 of the N.D.P.S.
Act.

Earlier prayer for bail of the petitioner was rejected by a
coordinate bench (then His Lordship was) of this court vide
Annexure-1 to the present application.

Allegedly, 49 kg Ganja is recovered in this case.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner
is in custody since 05-03-2017. Charge Sheet/Prosecution report has
already been submitted. The petitioner has been falsely implicated in
the present case. The petitioner has remained in custody for about



two years and 10 months. The contraband does not belong to the petitioner. There is no compliance of Sections 42 & 50 of the NDPS Act.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. 49 Kg. Ganja is alleged to have been recovered from the petitioner. The amount of recovered Ganja is more than commercial quantity. Hence, in the light of Section 37 of NDPS Act, the petitioner is not entitled for bail.

Considering the fact that the recovered contraband is above the commercial quantity, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Kalyanpur P.S. Case No 27 of 2017 is rejected.

Counsel for the petitioner has submitted that the trial has already proceeded.

Accordingly, learned trial court is directed to take all necessary steps to conclude the trial of the petitioner, preferably, within a period of 6 months from the date of receipt/production of copy of the order.

(Sudhir Singh, J)

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