

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58879 of 2019

Arising Out of PS. Case No.-100 Year-2018 Thana- DAGARUA District- Purnia

JANU MIAN Son of Manik Mian Resident of Village-Nishant Path, Joginder Nagar, P.S-Arunduti Nagar, District-West Tripura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 16-10-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Dagarwa P.S. Case No.100 of 2018 registered for the offence punishable under Section 8, 20 (b) (ii) (c) and 25 of the N.D.P.S. Act.

30.549 Kg. of ganja is said to have been recovered from a Tata Indigo Car and petitioner, who happens to be its driver and another accused, namely, Jhutan Miyan were apprehended.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern with the



seized contraband. He happens to be driver of the aforesaid car and the aforesaid search and seizure has not been made by the officer of the rank of Inspector as notified by the Government under Section 42 of the NDPS Act. He has no criminal antecedent and has been languishing in custody since 06.06.2018. Earlier vide order dated 06.10.2018, while rejecting the bail prayer of the petitioner, the learned lower Court was directed to conclude the trial within nine months from the date of receipt/production of a copy of the order but despite passing over one year the trial has not yet been concluded and only out of nine witnesses four have been examined till now. Hence, the petitioner may be enlarged on bail.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that huge quantity of ganja was recovered from the car and petitioner along with one person was apprehended from the said car, hence the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected.

However, the learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within



four months from the date of receipt/production of a copy of this order. Both the parties are expected to extend their co-operation in conclusion of the trial. The Superintendent of Police, Purnea is directed to ensure production of the witnesses in the case on each and every date fixed without fail else Court shall be constrained to take serious note against him.

Let a copy of this order be sent to the Superintendent of Police, Purnea for needful.

(Prakash Chandra Jaiswal, J)

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