

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1182 of 2020

Arising Out of PS. Case No.-621 Year-2017 Thana- PATNA GRP CASE District- Patna

Arvind Kumar Rai S/o Munarik Rai Resident of Village- Bahrampur, P.S.-
Raghopur, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 26-02-2020 It appears that the matter has wrongly been listed
under the heading “For Orders (On Office Notes)”.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed his prayer for bail in
connection with Special Case No. 195 of 2017, arising out of
G.R.P. Patna P.S. Case No. 621 of 2017, registered for the
offences punishable under Sections 8, 20 and 22 of the NDPS
Act, pending in the Court of learned Additional District and
Sessions Judge, 5th Patna.

The prosecution case is to the effect that Patna Rail
Police received a secret information that in Compartment No. S-
4 of Patna Ernaculam Express, some persons are carrying
Ganja, whereupon raid was laid and underneath the berth where



the petitioner was sitting, 68.120 kilograms of Ganja was recovered, leading to registration of the FIR. Thereafter, on seeing the police, some of the persons escaped from the train, whose names were disclosed by the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 23.12.2017. Earlier prayer for bail of the petitioner was rejected vide order dated 21.02.2019, passed in Cr. Misc. No. 74952 of 2018 with liberty to the petitioner to renew the prayer for bail if the trial is not concluded within a period of nine months. It is further submitted that the trial has not been concluded till date. Moreover, recovery cannot be treated from the conscious physical possession of the petitioner.

Learned counsel for the State, however, opposes the prayer for bail of the petitioner on the ground that there is recovery of commercial quantity of contraband.

In pursuance to the order dated 22.01.2020 and 05.02.2020, a report dated 10.02.2020 of In-charge Additional District & Sessions Judge-V & XX, Patna-cum A.D.J.-XII-cum-Special Judge, C.B.I.-III, Patna has been received which has been kept at flag- 'X' which suggests that the presiding officer is on deputation in the High Court, hence, the trial could not



proceeded. However, six witnesses have already been examined and seven witnesses are left to be examined. However, the trial is likely to be concluded within a period of six month.

Considering the commercial quantity of recovery of contraband, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail of the petitioner is rejected.

However, it is expected from the learned District and Sessions Judge, Patna that if the regular Court is not available then the matter should be transferred to another Court and the transferee Court or Court concerned is expected to conclude the trial expeditiously.

(Dinesh Kumar Singh, J)

Amrendra/-

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