

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27259 of 2020**

Arising Out of PS. Case No.-39 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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ANIL PANDEY @ ANIL KUMAR PANDEY Son of Visundev Pandey
Resident of Village - Bangra, P.S. - Kotwa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 07-12-2020 Heard learned counsel for the petitioner and Mr.
Bharat Bhushan, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with NDPS Case No.39/2019, arising out of Excise Case PR No.39/2019, registered for the offences punishable under Section 20(b) of the N.D.P.S. Act.

Earlier the prayer for regular bail of the petitioner was rejected vide order dated 24.02.2020 passed in Cr.Misc.No.79696 of 2019.

As per the First Information report the allegation against the petitioner is that 50 kgs of ganja was recovered from a Bolero vehicle which was allegedly driven by the petitioner.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that nothing has been recovered either from the possession or from the house of the petitioner rather the recovery was made from a Bolero vehicle which does not belong to this petitioner.

Earlier this Court had called for a report from the learned trial court which has been received vide letter no.153 dated 04.11.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein from the trial court's report it appears that one of the co-accused who was on bail has jumped the bail and his bail bond has been cancelled on 07.01.2020 and warrant of arrest has been issued against him and further from the prosecution report it is noticed that ganja recovered is much more than commercial quantity, there being no material brought to the notice of this Court to come over the bar indicated under Section 37 of the N.D.P.S. Act, this Court declines to grant bail to this petitioner.

This application is dismissed.

Let the trial be expedited.



In case the trial is not proceeding because of the absconding accused, the trial of the petitioner shall be bifurcated and prosecution shall cooperate to ensure early conclusion of the trial preferably within a period of six months from today.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

