

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27494 of 2020

Arising Out of PS. Case No.-37 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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BIRESH PATEL S/O Achhelal Raut Resident of Village Nayak Tola, P.S. -
Harpur, District - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Union of India through zonal Director, Narcotics Control Bureau, Patna.
Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii
For the Opposite Party/s : Mr. Lakshmikant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-11-2020

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Lakshmikant Sharma, the learned A.P.P. appearing for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with N.D.P.S. Case No. 43 of 2018, arising out of N.C.B. Case No. PZU/V/37/2018, for the offences punishable under Sections 20 and 23 of N.D.P.S. Act, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected, by a co-ordinate Bench of this Court, vide order dated 18.10.2019 passed in Cr. Misc. No. 29515 of 2019.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since



09.08.2018 and there is no possibility of completion of the trial in near future, hence, the petitioner be granted the privilege of bail.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail made by the petitioner and has submitted that 7.6 Kg, Charas was recovered from the possession of the petitioner, which is a commercial quantity as per the schedule to the N.D.P.S. Act, 1985, hence, it would not be appropriate to release the petitioner on bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and in view of the fact the fact that there is no change in circumstance from the day the prayer of the petitioner for bail was rejected earlier, till date, as also taking into account the stringent provisions of Law, as contained under Section 37 of the N.D.P.S. Act, 1985, I do not find any reason for reconsideration of the prayer of the petitioner for grant of bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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