

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30106 of 2020

Arising Out of PS. Case No.-7 Year-2017 Thana- BARHARIA District- Siwan

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REYAJUDDIN @ REYAJUDDIN MIAN Son of Late Aziz @ Aziz Mian
Resident of Village - Chanp (Paschim Tola), Police Station - Sarai O.P.,
District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-12-2020 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 the learned APP for the State, Sri Ashok Kumar.

The present petition, for grant of regular bail, is by way of fourth attempt at the behest of the petitioner, in connection with Barharia PS Case No. 07 of 2017 under Sections 20/22 of N.D.P.S. Act, inasmuch as the very first petition filed by the petitioner for grant of regular bail was rejected by



this Court vide order dated 19.09.2017 passed in Cr. Misc. no. 45548 of 2017 on the ground that the petitioner is an habitual offender and as many as eight cases are pending against him. Again, the prayer of the petitioner for grant of regular bail was rejected by this Court vide order dated 08.08.2018 passed in Cr. Misc. no.33691 of 2019. Thereafter, again the prayer of the petitioner for grant of bail was rejected vide order dated 18.09.2019 passed in Criminal Miscellaneous No. 43844 of 2019.

The case of the prosecution is that on 09.01.2017, the police had received secret information and thereafter, the informant along with other police officials had conducted raid at the place of occurrence at about 6 am in the morning and apprehended the petitioner herein as well as other co-accused persons and from their possession, charas was seized. Apart from charas, firearms and stolen vehicle were also recovered from the possession of accused persons.

The learned counsel for the petitioner has



submitted that the petitioner is languishing in custody since 10.01.2017 and the trial is yet to conclude, hence, the petitioner be granted the privilege of bail.

I have heard the learned counsel for the parties and I find that there is no change in the circumstances, from the time the earlier three bail petitions of the petitioner were dismissed, till date.

Moreover, I find from paragraph no. 3 of the present petition that 09 cases are pending against the petitioner herein, hence this Court finds that societal concern has to be kept in view in juxtaposition of individual liberty and every social concern deserves to be given priority, over-lifting the restriction on liberty of the accused, in such cases, as has been held by the Hon'ble Apex Court in a judgment reported in **(2012) 9 SCC446 (Ash Mohammad v. Shiv Raj Singh @ Lalla Babu &Anr.)**, hence on the ground of the petitioner having a bad criminal antecedent, the present petition is fit to be dismissed, even otherwise.

Accordingly, the present petition stands



dismissed.

(Mohit Kumar Shah, J)

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