

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13025 of 2021**

Arising Out of PS. Case No.-325 Year-2019 Thana- BAIRIYA District- West Champaran

RAMAKANT PRASAD S/o Suresh Prasad R/O Vill - Tadhwanandpur, PS -
Bariya, Distt. - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Md. Sufyan, APP

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

2 17-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

At the outset, learned counsel for the petitioner seeks permission to make correction in a typographical error in Paragraph- 13 of the petition. According to him, the correct date of judicial custody would be 15.10.2019 and not 4.5.2018.

Let it be read accordingly.

Heard learned counsel for the petitioner and Mr. Md. Sufyan, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with NDPS 40/19 arising out of Bairiya P.S. Case No. 325 of 2019 registered for the offences punishable under Section 20, 22, 23, 24, 25, 27 A & 29 of NDPS Act.



Learned counsel for the petitioner submits that petitioner has been involved in this case because he did not fulfil the illegal demand of the informant and that till date there is no forensic test report saying that the seized article are charas.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that in the present case the rigors of Section 37 of the NDPS Act 1985 would be attracted. It is further pointed out that the petitioner has got 11 cases on his head as stated in paragraph '3' of the present application and not only one kg of charas has been seized from his house on the basis of his own confessional statement, even a loaded country made pistol has been recovered from him.

Considering the facts and circumstances of the case, the seriousness of the offences alleged and that the bar of Section 37 of the NDPS Act is attracted and the huge number of criminal antecedents of the petitioner, this court is satisfied that the petitioner has failed to fulfil the conditions contained in Section 37 of the NDPS Act, 1985 and does not deserves privilege of bail.

The application is, thus, dismissed.

Let the trial be expedited.

Since the petitioner is in custody for more than one and half year, it is expected that the learned trial court shall proceed with the trial as early as possible and all endeavours be made to conclude



the trial within a period of one year after the Court starts functioning normally.

The application stands disposed of accordingly.

(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'.

